



IOWA ADMINISTRATIVE BULLETIN

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PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action and rules adopted by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Regulatory Analyses; effective date delays and objections filed by the Administrative Rules Review Committee; Agenda for monthly Administrative Rules Review Committee meetings; and other materials deemed fitting and proper by the Administrative Rules Review Committee.

The Bulletin may also contain public funds interest rates [12C.6]; workers' compensation rate filings [515A.6(7)]; usury rates [535.2(3)“a”]; agricultural credit corporation maximum loan rates [535.12]; and regional banking—notice of application and hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike through letters~~ indicate deleted material.

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

Schedule for Rule Making 2005

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Dec. 31 '04	Jan. 19 '05	Feb. 8 '05	Feb. 23 '05	Feb. 25 '05	Mar. 16 '05	Apr. 20 '05	July 18 '05
Jan. 14 '05	Feb. 2	Feb. 22	Mar. 9	Mar. 11	Mar. 30	May 4	Aug. 1
Jan. 28	Feb. 16	Mar. 8	Mar. 23	Mar. 25	Apr. 13	May 18	Aug. 15
Feb. 11	Mar. 2	Mar. 22	Apr. 6	Apr. 8	Apr. 27	June 1	Aug. 29
Feb. 25	Mar. 16	Apr. 5	Apr. 20	Apr. 22	May 11	June 15	Sept. 12
Mar. 11	Mar. 30	Apr. 19	May 4	May 6	May 25	June 29	Sept. 26
Mar. 25	Apr. 13	May 3	May 18	***May 18***	June 8	July 13	Oct. 10
Apr. 8	Apr. 27	May 17	June 1	June 3	June 22	July 27	Oct. 24
Apr. 22	May 11	May 31	June 15	June 17	July 6	Aug. 10	Nov. 7
May 6	May 25	June 14	June 29	***June 29***	July 20	Aug. 24	Nov. 21
May 18	June 8	June 28	July 13	July 15	Aug. 3	Sept. 7	Dec. 5
June 3	June 22	July 12	July 27	July 29	Aug. 17	Sept. 21	Dec. 19
June 17	July 6	July 26	Aug. 10	Aug. 12	Aug. 31	Oct. 5	Jan. 2 '06
June 29	July 20	Aug. 9	Aug. 24	***Aug. 24***	Sept. 14	Oct. 19	Jan. 16 '06
July 15	Aug. 3	Aug. 23	Sept. 7	Sept. 9	Sept. 28	Nov. 2	Jan. 30 '06
July 29	Aug. 17	Sept. 6	Sept. 21	Sept. 23	Oct. 12	Nov. 16	Feb. 13 '06
Aug. 12	Aug. 31	Sept. 20	Oct. 5	Oct. 7	Oct. 26	Nov. 30	Feb. 27 '06
Aug. 24	Sept. 14	Oct. 4	Oct. 19	Oct. 21	Nov. 9	Dec. 14	Mar. 13 '06
Sept. 9	Sept. 28	Oct. 18	Nov. 2	Nov. 4	Nov. 23	Dec. 28	Mar. 27 '06
Sept. 23	Oct. 12	Nov. 1	Nov. 16	***Nov. 16***	Dec. 7	Jan. 11 '06	Apr. 10 '06
Oct. 7	Oct. 26	Nov. 15	Nov. 30	Dec. 2	Dec. 21	Jan. 25 '06	Apr. 24 '06
Oct. 21	Nov. 9	Nov. 29	Dec. 14	***Dec. 14***	Jan. 4 '06	Feb. 8 '06	May 8 '06
Nov. 4	Nov. 23	Dec. 13	Dec. 28	Dec. 30	Jan. 18 '06	Feb. 22 '06	May 22 '06
Nov. 16	Dec. 7	Dec. 27	Jan. 11 '06	Jan. 13 '06	Feb. 1 '06	Mar. 8 '06	June 5 '06
Dec. 2	Dec. 21	Jan. 10 '06	Jan. 25 '06	Jan. 27 '06	Feb. 15 '06	Mar. 22 '06	June 19 '06
Dec. 14	Jan. 4 '06	Jan. 24 '06	Feb. 8 '06	Feb. 10 '06	Mar. 1 '06	Apr. 5 '06	July 3 '06
Dec. 30	Jan. 18 '06	Feb. 7 '06	Feb. 22 '06	Feb. 24 '06	Mar. 15 '06	Apr. 19 '06	July 17 '06

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
7	Friday, September 9, 2005	September 28, 2005
8	Friday, September 23, 2005	October 12, 2005
9	Friday, October 7, 2005	October 26, 2005

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

Note change of filing deadline

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. West, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses QuickSilver XML Publisher, version 2.0.0, to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

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The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, September 13, 2005, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

Definition of “state driver,” 103.2, 103.9, Filed **ARC 4435B** 8/17/05

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Iowa-foaled horses, Iowa-whelped dogs—registration fees, 62.6, Notice **ARC 4436B** 8/17/05

CAPITAL INVESTMENT BOARD, IOWA[123]

Tax credits for investments, 1.4, 2.2, 2.4, 2.5(2), 2.6, 2.8, 2.9, 3.3, 3.4, 3.5, 3.7, Notice **ARC 4476B** 8/31/05

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]“umbrella”

Fee increases, 14.121(1), 14.121(3), 14.121(5), 14.129(2), 14.143(2), 17.7(3), 17.7(4), 19.2, 19.5, 20.55, 20.60, 21.2, 21.5, 22.5, Notice **ARC 4440B**, also Filed Emergency **ARC 4442B** 8/17/05

Penalty for failure to have appropriate licensure, 14.121(7), Filed **ARC 4441B** 8/17/05

EDUCATION DEPARTMENT[281]

Unsafe school choice option, 11.3(1), Filed **ARC 4469B** 8/31/05

Open enrollment, 17.2, 17.3(1), 17.3(2), 17.3(3), 17.4, 17.4(1)“a,” 17.4(5), 17.4(6), 17.5, 17.7, 17.8(2), 17.8(4), Notice **ARC 4470B** 8/31/05

Standards for teacher intern preparation programs, 77.2, 77.8, 77.8(1), 77.8(2)“a” and “b,” 77.8(3), 77.11(1), 77.11(2)“g,” 77.12(1)“a” and “c,” 77.13(4), 77.14(2), Notice **ARC 4471B** 8/31/05

ENGINEERING AND LAND SURVEYING EXAMINING BOARD[193C]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]“umbrella”

Seal and certification block, 6.1(2), 6.1(4), Filed **ARC 4480B** 8/31/05

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

Definition of “biodiesel fuel,” “diesel fuel,” “number 1 fuel oil,” and “number 2 fuel oil,” 20.2, Filed **ARC 4433B** 8/17/05

Federal emission standards—adoption by reference, 23.1(4)“al,” “ao” to “ar,” “av,” “db,” “dg,” “dr” and “dt,” Notice **ARC 4434B** 8/17/05

HUMAN SERVICES DEPARTMENT[441]

Family investment program; PROMISE JOBS, 7.1, 9.15(3)“a,” 41.22(16)“c,” 41.22(18)“b”(3), 41.22(19)“a”(5), 41.24(2)“d” and “e,” 41.24(8), 41.24(8)“b”(1) and (2), 41.24(8)“b”(3)“1” and “4,” 41.27(7)“v” and “w,” 43.21(2), 43.22, 43.23, 45.21, 60.8(1)“c” and “d,” 93.111(3), 93.111(3)“b” and “c,” 93.114(7), Filed **ARC 4479B** 8/31/05

Medicaid premiums for employed people with disabilities, 75.1(39)“b”(1), Notice **ARC 4478B** 8/31/05

Exclusion of “covered Part D drugs” from Medicaid coverage, 78.1(2)“a”(2), 78.1(3)“g,” 78.31(4)“d”(7)“3,” 78.36(1)“a”(6), 81.10(5)“a”(4), 81.10(5)“d”(1), 81.10(5)“e”(3), 84.3(3), Notice **ARC 4477B** 8/31/05

Juvenile court services-directed programs, amendments to ch 151, Notice **ARC 4439B** 8/17/05

Access to dependent adult abuse information, 176.10(3)“d”(5), 176.10(3)“e”(11), Amended Notice **ARC 4438B** 8/17/05

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ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]“umbrella”

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Low-income housing tax credits—qualified allocation plan, 12.1, 12.2, Filed **ARC 4475B** 8/31/05

Entrepreneurs with disabilities program, ch 25, Notice **ARC 4473B** 8/31/05

LABOR SERVICES DIVISION[875]

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Boilers and pressure vessels—fees, 200.4, Filed **ARC 4443B** 8/17/05

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]“umbrella”

Order for clinical competency examination, 12.3, 12.3(1), 12.3(1)“h,” 12.3(7), Filed **ARC 4437B** 8/17/05

Supervision of pharmacists engaged in collaborative drug therapy management, 13.4, 13.5, Notice **ARC 4447B** 8/31/05

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

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Leases of state-owned or dedicated public property, ch 18, <u>Notice</u> ARC 4243B <u>Terminated</u> ARC 4461B	8/31/05
Boating speed and distance zoning, 40.51, 40.52, <u>Filed Emergency After Notice</u> ARC 4463B	8/31/05
State parks and recreation areas; state forest camping, chs 61, 62, <u>Notice</u> ARC 4462B	8/31/05
Fishing regulations on Des Moines River, Clear Lake and Ventura Marsh, 81.2(11)"9" to "11," <u>Notice</u> ARC 4464B	8/31/05
Turtles, 86.1(1), 86.1(2), <u>Notice</u> ARC 4465B	8/31/05
Closure of commercial harvest of mussels in waters of Mississippi River common with the state of Wisconsin, 87.1(4) <u>Notice</u> ARC 4466B	8/31/05
Waterfowl hunting, 91.1, 91.3, 91.4(2)"e," "f," "h" and "l," 91.6, <u>Filed Emergency After Notice</u> ARC 4467B	8/31/05
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PHARMACY EXAMINERS BOARD[657]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

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PROFESSIONAL LICENSURE DIVISION[645]

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Cosmetology arts and sciences examiners—fee increases, 62.1, <u>Notice</u> ARC 4457B	8/31/05
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Psychology examiners, 240.2(1)"c," 240.7(1), 241.2(1), 242.2(32), <u>Filed</u> ARC 4459B	8/31/05
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PUBLIC SAFETY DEPARTMENT[661]

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REAL ESTATE COMMISSION[193E]Professional Licensing and Regulation Division[193]
COMMERCE DEPARTMENT[181]“umbrella”Contested cases—qualifications for licensure, 3.3(3), 3.6(5), 4.3, 4.3(3), 4.6(5), Filed **ARC 4428B** 8/17/05
Disclosure of restrictive covenants, 14.1(6), Notice **ARC 4451B** 8/31/05**STATE PUBLIC DEFENDER[493]**

INSPECTIONS AND APPEALS DEPARTMENT[481]“umbrella”

Appointment of counsel and approval of claims, 7.1, 12.1(1), 12.2(1)“b”(2), 12.4(4),
12.6(1), adopt ch 14, Filed **ARC 4431B** 8/17/05**WORKERS' COMPENSATION DIVISION[876]**

WORKFORCE DEVELOPMENT DEPARTMENT[871]“umbrella”

Mileage reimbursement rate, 8.1“2,” Filed Emergency **ARC 4432B** 8/17/05**ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS**

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 2007.Senator Jeff Angelo
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Creston, Iowa 50801Senator Michael Connolly
3458 Daniels Street
Dubuque, Iowa 52002Senator John P. Kibbie
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213 Seventh Street NW
Altoona, Iowa 50009Gary Dickey Jr.
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 11
Des Moines, Iowa 50319

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]		
Economic development board, amendments to ch 1 IAB 8/3/05 ARC 4419B (See also ARC 4374B)	Clay County Regional Events Center 800 W. 18th Street Spencer, Iowa	August 31, 2005 5 to 7 p.m.
	NIACC, Pappajohn Center, Rm. 117 500 College Dr. Mason City, Iowa	September 1, 2005 5 to 7 p.m.
	IDED 200 E. Grand Ave., Second Floor Des Moines, Iowa	September 7, 2005 4 to 6 p.m.
Grow Iowa values fund assistance, ch 2 IAB 8/3/05 ARC 4420B (See also ARC 4370B)	For locations, dates and times of public hearings, see ARC 4419B above.	
Jobs training program; training and economic development funds; ACE program, amendments to chs 7, 9, 20 IAB 8/3/05 ARC 4421B (See also ARC 4368B)	For locations, dates and times of public hearings, see ARC 4419B above.	
Economic development region initiatives, ch 31 IAB 8/3/05 ARC 4413B	For locations, dates and times of public hearings, see ARC 4419B above.	
Tax credits for economic development region revolving loan fund, ch 32 IAB 8/3/05 ARC 4414B	For locations, dates and times of public hearings, see ARC 4419B above.	
Endow Iowa grants program, amendments to ch 46 IAB 8/3/05 ARC 4415B	For locations, dates and times of public hearings, see ARC 4419B above.	
Endow Iowa tax credits, amendments to ch 47 IAB 8/3/05 ARC 4416B	For locations, dates and times of public hearings, see ARC 4419B above.	
Community economic betterment program, 53.2, 53.3, 53.6(1), 53.11(1) IAB 8/3/05 ARC 4417B (See also ARC 4371B)	For locations, dates and times of public hearings, see ARC 4419B above.	
NJIP and NCIP; high quality job creation program, 58.16, 64.8, ch 68 IAB 8/3/05 ARC 4409B (See also ARC 4372B)	For locations, dates and times of public hearings, see ARC 4419B above.	
Enterprise zones, amendments to ch 59 IAB 8/3/05 ARC 4418B	For locations, dates and times of public hearings, see ARC 4419B above.	
Loan and credit guarantee program, amendments to ch 69 IAB 8/3/05 ARC 4410B (See also ARC 4373B)	For locations, dates and times of public hearings, see ARC 4419B above.	

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261] (Cont'd)

Program wage thresholds calculations,

168.201 to 168.203

IAB 8/3/05 **ARC 4411B**

(See also **ARC 4412B**)

For locations, dates and times of public hearings, see **ARC 4419B** above.

EDUCATION DEPARTMENT[281]

Open enrollment,

17.2 to 17.5, 17.7, 17.8

IAB 8/31/05 **ARC 4470B**

State Board Room
Grimes State Office Bldg.
Des Moines, Iowa

September 20, 2005
1 p.m.

Teacher intern preparation program
standards, 77.2, 77.8, 77.11 to 77.14

IAB 8/31/05 **ARC 4471B**

Room 2 South, Second Floor
Grimes State Office Bldg.
Des Moines, Iowa

September 23, 2005
9 a.m.

EDUCATIONAL EXAMINERS BOARD[282]

Fee increases,

amendments to chs 14, 17, 19 to 22

IAB 8/17/05 **ARC 4440B**

(See also **ARC 4442B**)

Room 3 North, Third Floor
Grimes State Office Building
Des Moines, Iowa

September 6, 2005
1 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adoption by reference of federal
NESHAPS, 23.1(4)

IAB 8/17/05 **ARC 4434B**

Conference Rooms
Air Quality Bureau
7900 Hickman Road
Urbandale, Iowa

September 16, 2005
1:30 p.m.

IOWA FINANCE AUTHORITY[265]

Entrepreneurs with disabilities
program, adopt ch 25

IAB 8/31/05 **ARC 4473B**

Suite 250
100 E. Grand
Des Moines, Iowa

September 20, 2005
9 to 10 a.m.

MEDICAL EXAMINERS BOARD[653]

Supervision of pharmacists engaged
in collaborative drug therapy
management, 13.4, 13.5

IAB 8/31/05 **ARC 4447B**

Suite C
400 SW Eighth Street
Des Moines, Iowa

September 20, 2005
3 p.m.

NATURAL RESOURCE COMMISSION[571]

State parks and recreation areas;
state forest camping, chs 61, 62

IAB 8/31/05 **ARC 4462B**

(ICN Network)

Room 117 & 118
DMACC Boone Campus
1125 Hancock Drive
Boone, Iowa

September 27, 2005
6:30 p.m.

Cedar Falls AEA
3712 Cedar Heights Drive
Cedar Falls, Iowa

September 27, 2005
6:30 p.m.

Bldg. 32A, Kirkwood Farm
Kirkwood Community College
6301 Kirkwood Blvd. SW
Cedar Rapids, Iowa

September 27, 2005
6:30 p.m.

NATURAL RESOURCE COMMISSION[571] (Cont'd)
(ICN Network)

Room 116 Chariton High School 501 N. Grand Chariton, Iowa	September 27, 2005 6:30 p.m.
State Room Clear Lake AEA 9184B 265th Street Clear Lake, Iowa	September 27, 2005 6:30 p.m.
Education Services Center Adm. 12 Scott Street Council Bluffs, Iowa	September 27, 2005 6:30 p.m.
Turner Room Green Valley AEA 1405 N. Lincoln Creston, Iowa	September 27, 2005 6:30 p.m.
Room 300 Saydel High School 5601 NE Seventh Street Des Moines, Iowa	September 27, 2005 6:30 p.m.
Room 4 Elk Horn-Kimballton High School 4114 Madison Street Elk Horn, Iowa	September 27, 2005 6:30 p.m.
Room 12 Fort Dodge High School 819 N. 25th Street Fort Dodge, Iowa	September 27, 2005 6:30 p.m.
Fayette Community Library 104 W. State Street Fayette, Iowa	September 27, 2005 6:30 p.m.
Room 101 Western Dubuque High School Fifth Avenue West Epworth, Iowa	September 27, 2005 6:30 p.m.
Northeast High School 3690 Highway 136 Goose Lake, Iowa	September 27, 2005 6:30 p.m.
Room 107, North Hall University of Iowa End of N. Madison Street Iowa City, Iowa	September 27, 2005 6:30 p.m.
Van Buren High School 405 Fourth Street Keosauqua, Iowa	September 27, 2005 6:30 p.m.
Room 125 Knoxville High School 1811 W. Madison Knoxville, Iowa	September 27, 2005 6:30 p.m.

NATURAL RESOURCE COMMISSION[571] (Cont'd)
(ICN Network)

	Room 304 Red Oak High School 2011 N. Eighth Street Red Oak, Iowa	September 27, 2005 6:30 p.m.
	Room 60, Larson Hall Muscatine Community College 152 Colorado Street Muscatine, Iowa	September 27, 2005 6:30 p.m.
	Distance Learning Center Spirit Lake High School 2701 Hill Avenue Spirit Lake, Iowa	September 27, 2005 6:30 p.m.
	WACO High School 611 N. Pearl Wayland, Iowa	September 27, 2005 6:30 p.m.
	Central Campus Ind. Learning Center 1121 Jackson Street Sioux City, Iowa	September 27, 2005 6:30 p.m.
Prohibitions on fish snagging, 81.2(11) IAB 8/31/05 ARC 4464B	Bob Huen Shelter House Kennedy Park 1415 Nelson Avenue Fort Dodge, Iowa	September 21, 2005 7 p.m.
	City Hall 15 N. Sixth Street Clear Lake, Iowa	September 22, 2005 7 p.m.
Turtles, 86.1(1), 86.1(2) IAB 8/31/05 ARC 4465B	Pioneer Ridge Nature Center 1339 Highway 63 Bloomfield, Iowa	September 20, 2005 7 p.m.
	City Hall 15 N. Sixth Street Clear Lake, Iowa	September 22, 2005 7 p.m.
	Municipal Building 502 S. First Street Guttenberg, Iowa	September 28, 2005 7 p.m.
	Musser Public Library 304 Iowa Avenue Muscatine, Iowa	September 29, 2005 7 p.m.
Commercial harvest of mussels, 87.1(4) IAB 8/31/05 ARC 4466B	Municipal Building 502 S. First Street Guttenberg, Iowa	September 28, 2005 7 p.m.
	Musser Public Library 304 Iowa Avenue Muscatine, Iowa	September 29, 2005 7 p.m.

PROFESSIONAL LICENSURE DIVISION[645]

Cosmetology arts and sciences— fee increases, 62.1 IAB 8/31/05 ARC 4457B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	September 21, 2005 9:30 to 10 a.m.
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PROFESSIONAL LICENSURE DIVISION[645] (Cont'd)

Hearing aid dispensers— fee increases, 125.1 IAB 8/31/05 ARC 4454B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	September 21, 2005 9 to 9:30 a.m.
Psychologists—fee increases, 243.1 IAB 8/31/05 ARC 4460B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	September 21, 2005 10 to 10:30 a.m.
Social workers—fee increases, 284.1 IAB 8/31/05 ARC 4450B	Fifth Floor Board Conference Rm. Lucas State Office Bldg. Des Moines, Iowa	September 21, 2005 10:30 to 11 a.m.

PUBLIC SAFETY DEPARTMENT[661]

Fire safety standards, 5.16, 5.301 IAB 8/17/05 ARC 4444B	Fire Marshal Division Conference Rm. Suite N 401 SW 7th Street Des Moines, Iowa	September 9, 2005 10 a.m.
Standards for flammable and combustible liquids, 51.202(1) IAB 8/17/05 ARC 4445B	Fire Marshal Division Conference Rm. Suite N 401 SW 7th Street Des Moines, Iowa	September 9, 2005 9:30 a.m.
Iowa sex offender registry, 83.2 to 83.4 IAB 7/20/05 ARC 4357B (See also ARC 4358B)	Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	September 12, 2005 10 a.m.
DNA database, ch 156 IAB 7/20/05 ARC 4360B (See also ARC 4361B)	Third Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	September 12, 2005 9:30 a.m.

REAL ESTATE COMMISSION[193E]

Disclosure of restrictive covenants, 14.1(6) IAB 8/31/05 ARC 4451B	Second Floor Conference Room 1920 SE Hulsizer Ankeny, Iowa	September 20, 2005 10 a.m.
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UTILITIES DIVISION[199]

Certification of eligibility for wind energy and renewable energy tax credits, 15.18 IAB 7/20/05 ARC 4341B (See also ARC 4342B)	Hearing Room 350 Maple St. Des Moines, Iowa	September 21, 2005 10 a.m.
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Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Agricultural Development Authority[25]

Soil Conservation Division[27]

ATTORNEY GENERAL[61]

AUDITOR OF STATE[81]

BEEF INDUSTRY COUNCIL, IOWA[101]

BLIND, DEPARTMENT FOR THE[111]

CAPITAL INVESTMENT BOARD, IOWA[123]

CITIZENS’ AIDE[141]

CIVIL RIGHTS COMMISSION[161]

COMMERCE DEPARTMENT[181]

Alcoholic Beverages Division[185]

Banking Division[187]

Credit Union Division[189]

Insurance Division[191]

Professional Licensing and Regulation Division[193]

Accountancy Examining Board[193A]

Architectural Examining Board[193B]

Engineering and Land Surveying Examining Board[193C]

Landscape Architectural Examining Board[193D]

Real Estate Commission[193E]

Real Estate Appraiser Examining Board[193F]

Savings and Loan Division[197]

Utilities Division[199]

CORRECTIONS DEPARTMENT[201]

Parole Board[205]

CULTURAL AFFAIRS DEPARTMENT[221]

Arts Division[222]

Historical Division[223]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

City Development Board[263]

Grow Iowa Values Board[264]

Iowa Finance Authority[265]

EDUCATION DEPARTMENT[281]

Educational Examiners Board[282]

College Student Aid Commission[283]

Higher Education Loan Authority[284]

Iowa Advance Funding Authority[285]

Libraries and Information Services Division[286]

Public Broadcasting Division[288]

School Budget Review Committee[289]

EGG COUNCIL, IOWA[301]

ELDER AFFAIRS DEPARTMENT[321]

EMPOWERMENT BOARD, IOWA[349]

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

EXECUTIVE COUNCIL[361]

FAIR BOARD[371]

GENERAL SERVICES DEPARTMENT[401]

HUMAN INVESTMENT COUNCIL[417]

HUMAN RIGHTS DEPARTMENT[421]

Community Action Agencies Division[427]

Criminal and Juvenile Justice Planning Division[428]

Deaf Services Division[429]

Persons With Disabilities Division[431]

Latino Affairs Division[433]

Status of African-Americans, Division on the[434]

Status of Women Division[435]

HUMAN SERVICES DEPARTMENT[441]
INFORMATION TECHNOLOGY DEPARTMENT[471]
INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PERSONNEL DEPARTMENT[581]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PUBLIC DEFENSE DEPARTMENT[601]
 Homeland Security and Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Substance Abuse Commission[643]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SEED CAPITAL CORPORATION, IOWA[727]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS COMMISSION[801]
VETERINARY MEDICINE BOARD[811]
VOLUNTEER SERVICE, IOWA COMMISSION ON[817]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

ARC 4476B

CAPITAL INVESTMENT BOARD,
IOWA[123]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 15E.63, the Iowa Capital Investment Board hereby gives Notice of Intended Action to amend Chapter 1, “Iowa Capital Investment Board – Administration,” Chapter 2, “Tax Credit for Investments in Qualifying Businesses and Community-Based Seed Capital Funds,” and Chapter 3, “Tax Credits for Investments in Venture Capital Funds,” Iowa Administrative Code.

These rules are proposed because of 2005 Iowa Acts, House File 831.

Items 1, 3, 6 and 9 to 12 change the name referenced in the rules from the “department of revenue and finance” to the “department of revenue.”

Item 2 amends rule 123—2.2(15E) to reflect the updated criteria for a community-based seed capital fund and a qualifying business.

Item 4 amends subrule 2.5(2) to state that a community-based seed capital fund cannot invest in the Iowa fund of funds but may invest in an Iowa-based seed capital fund in certain circumstances.

Item 5 amends rule 123—2.6(15E) to provide that tax credits can be issued after June 30, 2005, and to state that an investor in a community-based seed capital fund cannot receive a tax credit for an investment made by the community-based fund in an Iowa-based seed capital fund.

Item 7 amends rule 123—2.9(15E) to provide that a community-based seed capital fund has 48 months to invest at least 33 percent of its invested capital in one or more qualifying businesses.

Item 8 updates an implementation clause.

These amendments are being proposed by the Department of Revenue on behalf of the Iowa Capital Investment Board pursuant to an Administrative Services Agreement between the Department and the Board.

The proposed amendments will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions.

Any person who believes that the application of the discretionary provisions of these amendments would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any.

The Board has determined that these proposed amendments may have an impact on small business. The Board has considered the factors listed in Iowa Code section 17A.4A. The Board will issue a regulatory analysis as provided in Iowa Code section 17A.4A if a written request is filed by delivery or by mailing postmarked no later than October 3, 2005, to the Iowa Capital Investment Board, in care of the Policy Section, Compliance Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306. The request may be made by the Administrative Rules Review Committee, the Administrative Rules Coordinator, at least 25 persons signing that request

who each qualify as a small business or an organization representing at least 25 such persons.

Any interested person may make written suggestions or comments on these proposed amendments on or before September 20, 2005. Such written comments should be directed to the Iowa Capital Investment Board, in care of the Policy Section, Compliance Division, Department of Revenue, Hoover State Office Building, P.O. Box 10457, Des Moines, Iowa 50306.

Persons who want to convey their views orally should contact the Board, in care of the Policy Section, Compliance Division, Department of Revenue, at (515)281-8036 or at the Department of Revenue offices on the fourth floor of the Hoover State Office Building.

Requests for a public hearing must be received by September 23, 2005.

These amendments are intended to implement Iowa Code sections 15E.43, 15E.44 and 15E.45 as amended by 2005 Iowa Acts, House File 831.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule 123—1.4(15E) to read as follows:

123—1.4(15E) Correspondence and communications.

The office of the Iowa capital investment board is maintained in the office of the department of revenue ~~and finance~~. Correspondence and communications to the board shall be directed in care of the Iowa Department of Revenue ~~and Finance~~, 1305 E. Walnut Street, Hoover State Office Building, Des Moines, Iowa 50319.

ITEM 2. Amend rule **123—2.2(15E)**, definitions of “community-based seed capital fund” and “qualifying business,” to read as follows:

“Community-based seed capital fund” means a fund that meets the following criteria:

1. Is organized as a limited partnership or limited liability company;

2. Has, on or after January 1, 2002, a total of ~~both~~ capital commitments from ~~both~~ investors and investments in qualifying businesses of at least \$125,000, but not more than \$3 million. If the fund is *either* a rural business investment company under the rural business investment program of the federal Farm Security and Rural Investment Act of 2002, *or an Iowa-based seed capital fund with at least 40 percent of its committed capital subscribed by community-based seed capital funds*, the fund may have more than \$3 million of ~~both~~ capital commitments from *both* investors and investments in qualifying businesses; and

3. Has no fewer than five investors who are not affiliates, with no single investor and affiliates of that investor together owning a total of more than 25 percent of the ownership interests outstanding in the fund.

“Qualifying business” means a business that meets the following criteria:

1. The principal business operations of the business are located in the state of Iowa;

2. The business has been in operation for three years or less from the date of the investment for which a credit is claimed *for investments made prior to July 1, 2005, or the business has been in operation for six years or less from the date of the investment for which a credit is claimed for investments made on or after July 1, 2005;*

CAPITAL INVESTMENT BOARD, IOWA[123](cont'd)

3. The business has an owner who has successfully completed one of the following:

- An entrepreneurial venture development curriculum, such as programs developed by a John Pappajohn Entrepreneurial Center, or a holistic training program recognized by the Iowa department of economic development which generally encompasses the following areas: entrepreneurial training, management team development, intellectual property management, market research and analysis, sales and distribution development, financial planning and management and strategic planning;

- Three years of relevant business experience;
- A four-year college degree in business management, business administration or a related field;
- Other training or experience sufficient to increase the probability of success of the qualifying business;

4. The business is not a business engaged primarily in retail sales, real estate or the provision of health care or other professional services;

5. The business shall not have a net worth that exceeds \$3 million at the date of the investment for which the credit is claimed *for investments made prior to July 1, 2005, or the business shall not have a net worth that exceeds \$10 million for which a credit is claimed for investments made on or after July 1, 2005;* and

6. Within 24 months from the first date on which the equity investments qualifying for investment tax credits have been made, the business shall have secured total equity or near equity financing equal to at least \$250,000.

ITEM 3. Amend rule 123—2.4(15E), introductory paragraph, to read as follows:

123—2.4(15E) Application for the investment tax credit.

A taxpayer that desires to receive an investment tax credit for an equity investment in a qualifying business or community-based seed capital fund must submit an application to the board for approval and provide such other information and documentation as may be requested by the board. Application forms for the investment tax credit may be obtained by contacting the Iowa capital investment board at the Iowa Department of Revenue and Finance, 1305 E. Walnut Street, Hoover State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-3204. Application forms may also be obtained by contacting a Small Business Development Center in the applicant's geographic location. The board shall coordinate with Small Business Development Centers throughout the state to provide uniform application forms to Small Business Development Centers and to disseminate information regarding the investment tax credits. The board shall provide a summary of the investment tax credits to Small Business Development Centers by either supplying the Small Business Development Centers with a copy of these rules or delivering substantially similar information in any other format approved by the board. The board shall make itself accessible to Small Business Development Centers for assistance with questions concerning completion of applications or any other questions pertaining to the investment tax credits. Applications shall be submitted to the board in care of the department of revenue and finance at the address identified above. Applications shall be date- and time-stamped by the department of revenue and finance in the order in which such applications are received. Applications for the investment tax credit shall be accepted by the board until March 31 of the year following the calendar year in which the taxpayer's equity investment was made.

ITEM 4. Amend subrule 2.5(2), introductory paragraph, to read as follows:

2.5(2) Community-based seed capital funds. Within 120 days from the first date on which the equity investments qualifying for investment tax credits have been made (or, for investments made during the 2002 calendar year, by the later of 120 days from the first date on which the investments have been made or March 31, 2003), a community-based seed capital fund shall provide to the board information as a prerequisite to the board's issuance of investment tax credits to investors in such community-based seed capital fund. Funds which could not meet the threshold of \$500,000 in capital commitments but are able to meet the threshold of \$125,000 of capital commitments as set forth in 2004 Iowa Acts, ~~Senate File 443 chapter 1148~~, shall have until December 31, 2004, to provide information to the board. *A community-based seed capital fund cannot invest in the Iowa fund of funds organized by the Iowa capital investment corporation under Iowa Code section 15E.65, but may invest up to 60 percent of its committed capital in an Iowa-based seed capital fund with at least 40 percent of its committed capital subscribed by community-based seed capital funds.* The following information must be provided:

ITEM 5. Amend rule 123—2.6(15E) to read as follows:

123—2.6(15E) Issuance and distribution of investment tax credits. Upon verification and registration by the board of a qualifying business or community-based seed capital fund and approval of the taxpayer's application, the board shall issue a tax credit certificate to the applicant, provided, however, that such tax credit certificate shall be subject to rescission by the board pursuant to rule 123—2.9(15E). The tax credit certificate shall be in a form approved by the board and shall contain the taxpayer's name, address, and tax identification number, the amount of credit, the name of the qualifying business or community-based seed capital fund, the year in which the credit may be redeemed and any other information that may be required by the department of revenue and finance. In addition, the tax credit certificate shall contain the following statement:

The Iowa Capital Investment Board has not recommended or approved this investment or passed on the merits or risks of such investment. Investors should rely solely on their own investigation and analysis and seek investment, financial, legal and tax advice before making their own decision regarding investment in this enterprise.

A tax credit shall equal 20 percent of the taxpayer's equity investment in a qualifying business or community-based seed capital fund. The maximum amount of a tax credit for an investment by an investor in any one qualifying business shall be \$50,000. Each year, an investor and all affiliates of the investor shall not claim tax credits under this rule for more than five different investments in five different qualifying businesses. An investor in a community-based seed capital fund shall receive a tax credit pursuant to this rule only for the investor's investment in the community-based seed capital fund and shall not receive any additional tax credit for the investor's share of investments in a qualifying business made by the community-based seed capital fund *or in an Iowa-based seed capital fund with at least 40 percent of its committed capital subscribed by community-based seed capital funds.* However, an investor in a community-based seed capital fund may receive a tax credit under this rule with respect to a separate direct investment made by the investor in the

CAPITAL INVESTMENT BOARD, IOWA[123](cont'd)

same qualifying business in which the community-based seed capital fund invests.

The aggregate amount of tax credits issued pursuant to this rule shall not exceed a total of \$10 million. The total amount of tax credits issued during the fiscal year beginning July 1, 2002, shall not exceed \$3 million. The total amount of tax credits issued during the fiscal year beginning July 1, 2003, shall not exceed \$3 million. The total amount of tax credits issued during the fiscal year beginning July 1, 2004, shall not exceed \$4 million. *Any amount of the \$10 million of total tax credits that have not been issued by June 30, 2005, may be issued for a fiscal year beginning July 1, 2005, and for any other subsequent fiscal years until the \$10 million limitation is met. No more than \$3 million of tax credits may be issued for any one fiscal year beginning July 1, 2005, and for any subsequent fiscal year.* If, during any fiscal year during which tax credits are to be issued under this rule, applications are approved for more than the amount of credits authorized by 2002 Iowa Acts, ~~House File 2274~~ *chapter 1006*, section 3(4), the applicants shall receive tax credit certificates on a first-come, first-served basis, until the amount of credits authorized for issuance has been exhausted. Any tax credits approved but unissued shall be carried over to the next fiscal year, and the board shall, during the next fiscal year, give priority to applicants' tax credits carried over from a prior fiscal year by (1) issuing tax credit certificates to the taxpayers for such carryover tax credits before issuing any new tax credits; and (2) applying the aggregate amount of the credits carried over against the total amount of tax credits to be issued during such fiscal year before approving or issuing new tax credits.

ITEM 6. Amend rule 123—2.8(15E) to read as follows:

123—2.8(15E) Notification to the department of revenue and finance. Upon the issuance and distribution of investment tax credits for each tax year, the board shall notify the department of revenue ~~and finance~~ by providing copies of the tax credit certificates issued for such tax year to the department of revenue ~~and finance~~. Such notification shall also include, but not be limited to, the aggregate number and amount of tax credits issued for such tax year.

ITEM 7. Amend rule 123—2.9(15E) to read as follows:

123—2.9(15E) Rescinding the tax credits. Within 24 months from the first date on which the equity investments qualifying for investment tax credits have been made, a qualifying business shall provide to the board information and documentation sufficient to demonstrate that the business has secured total equity or near equity financing equal to at least \$250,000. Examples of sufficient information and documentation include, but are not limited to, corporate, partnership or limited liability company-certified resolutions setting forth the names of individuals or entities making capital contributions and the amounts of such capital contributions or certified corporate, partnership, or limited liability company minutes reflecting the names of individuals or entities making capital contributions and the amounts of such capital contributions. On or by the last day of the 24-month period described herein, a qualifying business shall certify to the board, by a statement signed by an officer, director, member, manager, or general partner of the qualifying business, that it has secured the requisite amount of equity financing required by this rule within the time period prescribed by this rule and shall recertify to the board that the qualifying business continues to meet the requirements set forth in 123—subrule 2.5(1). In the event that a qualifying business fails to meet or maintain any requirement set forth in this rule, including, without

limitation, timely filing of the certifications described in the preceding sentence of this rule, the board shall rescind any tax credit certificates issued to those taxpayers and shall notify the department of revenue ~~and finance~~ that it has done so, and the tax credit certificates shall be null and void. In addition, the board shall remove such qualifying business from its registry and shall issue written notification of such removal to the qualifying business and the applicants.

A community-based seed capital fund shall have invested at least 33 percent of its invested capital in one or more separate qualifying businesses on or by the last day of the 36 48-month period that commences with the fund's investing activities. On or by the last day of the 36 48-month period described under this rule, a community-based seed capital fund shall certify to the board, by a statement signed by an officer, director, member, manager, or general partner of the community-based seed capital fund, that it has met the requirements of this rule within the time period prescribed by this rule and shall recertify to the board that the community-based seed capital fund continues to meet the requirements set forth in 123—subrule 2.5(2). In the event that a community-based seed capital fund fails to meet or maintain any requirement set forth in this rule, including, without limitation, timely filing of the certifications described in the preceding sentence of this paragraph, the board shall rescind any tax credit certificates issued to limited partners or members and shall notify the department of revenue that it has done so, and the tax credit certificates shall be null and void. In addition, the board shall remove such community-based seed capital fund from its registry and shall issue written notification of such removal to the community-based seed capital fund and the applicants. Notwithstanding the foregoing, a community-based seed capital fund may apply to the board for a one-year waiver from the requirements of this rule. The board shall, upon review of a community-based seed capital fund's application for waiver, exercise reasonable discretion in granting or denying such waiver. In the event that the board grants to a community-based seed capital fund a one-year waiver from the requirements of this rule, the board shall defer any rescission of the tax credit certificates until the expiration of such one-year waiver period. If the community-based seed capital fund meets the requirements of this rule by the expiration of such one-year waiver period, the tax credit certificates shall not be rescinded, but the tax credit certificates shall be rescinded at the end of such one-year waiver period if such requirements have not been met.

In the event a taxpayer has claimed an investment tax credit for an investment in a qualifying business under 2002 Iowa Acts, ~~House File 2274~~ *chapter 1006*, section 3(1)"a," or for an investment in a community-based seed capital fund under 2002 Iowa Acts, ~~House File 2274~~ *chapter 1006*, section 3(1)"b," and such tax credit has been rescinded under the provisions of this rule, the department of revenue ~~and finance~~ shall assess a deficiency against the taxpayer for the tax credit claimed upon receipt of written notice of the rescission of such tax credit by the board.

ITEM 8. Amend **123—Chapter 2**, implementation clause, as follows:

These rules are intended to implement Iowa Code Supplement chapter 15E as amended by 2004 2005 Iowa Acts, ~~Senate House File 443~~ 831.

ITEM 9. Amend rule **123—3.3(15E)**, first unnumbered paragraph, to read as follows:

Application forms setting forth the information required to verify the eligibility of a venture capital fund may be obtained by contacting the Iowa capital investment board at the

CAPITAL INVESTMENT BOARD, IOWA[123](cont'd)

Iowa Department of Revenue and Finance, 1305 E. Walnut Street, Hoover State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-3204. Applications shall be submitted to the board in care of the department of revenue and finance at the address identified above.

ITEM 10. Amend rule 123—3.4(15E) to read as follows:

123—3.4(15E) Application for the investment tax credit. Upon verification and registration by the board of a venture capital fund, a taxpayer who desires to receive an investment tax credit for an equity investment in a venture capital fund must submit an application to the board for approval and provide such other information and documentation as may be requested by the board. Application forms for the investment tax credit may be obtained by contacting the Iowa capital investment board at the Iowa Department of Revenue and Finance, 1305 E. Walnut Street, Hoover State Office Building, Des Moines, Iowa 50319. Applications shall be submitted to the board in care of the department of revenue and finance at the address identified above. Each application shall be date- and time-stamped by the department of revenue and finance in the order in which such applications are received. Applications for the investment tax credit shall be accepted by the board until March 31 of the year following the calendar year in which the taxpayer's equity investment is made.

ITEM 11. Amend rule 123—3.5(15E), introductory paragraph, to read as follows:

123—3.5(15E) Issuance and distribution of investment tax credits. Upon verification and registration by the board of a venture capital fund, the board shall issue a tax credit certificate to the applicant. The tax credit certificate shall be in a form approved by the board and shall contain the taxpayer's name, address, and tax identification number, the amount of credit, the name of the venture capital fund, the year in which the credit may be redeemed and any other information that may be required by the department of revenue and finance. In addition, the tax credit certificate shall contain the following statement:

ITEM 12. Amend rule 123—3.7(15E) to read as follows:

123—3.7(15E) Notification to the department of revenue and finance. Upon the issuance and distribution of investment tax credits for each tax year, the board shall notify the department of revenue and finance by providing copies of the tax credit certificates issued for such tax year to the department of revenue and finance. Such notification shall also include, but not be limited to, the aggregate number and amount of tax credits issued for such tax year.

ARC 4470B

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby gives Notice of Intended Action to amend Chapter 17, “Open Enrollment,” Iowa Administrative Code.

These amendments are intended to implement statutory language passed by the 81st General Assembly in 2005 Iowa Acts, House File 423 and House File 882.

No waiver provision is included because the Board of Education has adopted agencywide waiver rules.

Any interested person may submit oral, electronic or written suggestions or comments on or before September 20, 2005, by addressing them to Carol Greta, Legal Consultant, Department of Education, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515)281-5295. E-mail should be sent to carol.greta@iowa.gov.

There will be a public hearing on September 20, 2005, at 1 p.m. in the State Board Room, Grimes State Office Building, Des Moines, Iowa, at which time persons may present their views orally or in writing.

These amendments are intended to implement 2005 Iowa Acts, House File 423 and House File 882.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule **281—17.2(282)**, definition of “timely filed application,” as follows:

“Timely filed application” includes an open enrollment request postmarked or hand-delivered on or before ~~January 1~~ *March 1*, an open enrollment request for “good cause” as defined in Iowa Code section 282.18(4) ~~as amended by 2002 Iowa Acts, House File 2515~~, and an open enrollment request filed for a continuation of an educational program postmarked or hand-delivered on or before ~~the Thursday before the third Friday of the following September 1~~.

ITEM 2. Amend subrule 17.3(1) as follows:

17.3(1) Parent/guardian responsibilities. On or before ~~January 1~~ *March 1* of the school year preceding the school year for which open enrollment is requested, a parent/guardian shall formally notify both the district of residence and the receiving district of the request for open enrollment. The request for open enrollment shall be made on forms provided by the department of education. The parent/guardian is required to indicate on the form if the request is for a pupil requiring special education, as provided by Iowa Code chapter 256B. The forms for open enrollment application are available from each public school district, area education agency, and the state department of education.

ITEM 3. Amend subrule 17.3(2), introductory paragraph and first two unnumbered paragraphs, as follows:

17.3(2) School district responsibilities. The board of the resident district shall take no action on an open enrollment request. The board of the receiving district shall act on an open enrollment request no later than ~~March 1~~ *June 1* of the school year preceding the school year for which the request is made.

The receiving district superintendent shall provide notification of either approval or denial of the request to the parent/guardian and to the resident district within five days of board action and shall file a copy of the application form, indicating the final action on the request, with the department of education.

As an alternative procedure, the receiving board may by policy authorize the superintendent to approve, but not deny, timely filed applications. *The board of directors of a receiving school district may adopt a policy granting the superintendent of the school district authority to approve open en-*

EDUCATION DEPARTMENT[281](cont'd)

rollment applications submitted after the March 1 deadline, but the board of the receiving district shall take action to approve the request if good cause exists. The board shall have the discretion to determine the scope of the authorization. The authorization may be for regular applications filed on or before ~~January 1~~ **March 1**, good cause applications, kindergarten applications and continuation applications filed on or before ~~the Thursday before the third Friday of the following~~ **September 1**, or any combination that the board determines. The same timelines for approval, forwarding, and notification shall apply.

ITEM 4. Amend subrule 17.3(3) as follows:

17.3(3) Exception to process when resident district is under voluntary or court-ordered desegregation. If the resident district has a voluntary or court-ordered desegregation plan requiring the district to maintain minority and nonminority student ratios, the request for open enrollment shall be filed solely with the district of residence on or before ~~January 1~~ **March 1** of the school year preceding the school year for which open enrollment is requested. The superintendent of the resident district may deny a request under this subrule unless the request is made on behalf of a student whose sibling already actively participates in open enrollment to the same receiving district to which open enrollment is sought for this student. A denial by the superintendent may be appealed to the board of the district in which the request was denied. A decision of the local board to uphold the denial may only be appealed to the district court in the county in which is located the primary business office of the district that upheld the denial of the open enrollment request.

ITEM 5. Amend rule 281—17.4(282), introductory paragraph, as follows:

281—17.4(282) Filing after the January 1 March 1 deadline—good cause. A parent/guardian may apply for open enrollment after the filing deadline of ~~January 1~~ **March 1** of the school year preceding the school year for which open enrollment is requested and before the third Friday in September of that calendar year if good cause exists for the failure to meet the deadline. Good cause is a change in the status of the pupil's residence or a change in the status of the pupil's resident district taking place after ~~January 1~~ **March 1**, or the closing or loss of accreditation of a nonpublic school of attendance after ~~January 1~~ **March 1** resulting in the desire of the parent/guardian to obtain open enrollment for the following school year. If good cause can be established, the parent/guardian shall be permitted to apply for open enrollment in the same manner as if the deadline had been met pursuant to rule 17.3(282).

ITEM 6. Amend subrule **17.4(1)**, paragraph “a,” as follows:

a. A change in the family residence due to the family's moving from the district of residence anytime after ~~January 1~~ **March 1** of the school year preceding the school year for which open enrollment is requested.

ITEM 7. Amend subrule 17.4(5), introductory paragraph, as follows:

17.4(5) Timelines for board action on applications filed after ~~January 1~~ **March 1** for good cause. The board of the receiving district shall act on the request within 30 days of its receipt. ~~As an alternative procedure, the board may by policy authorize the superintendent to approve, but not deny, such applications.~~ The same timelines for approval, forwarding, and notification shall apply.

ITEM 8. Amend subrule 17.4(6) as follows:

17.4(6) Upon receiving a complaint from a resident district that a receiving district has been unreasonable in approving applications submitted after ~~January 1~~ **March 1** with good cause for approval, the department shall review the complaint. If the department believes that the receiving district has been unreasonable in approving such applications, the department may counsel the receiving district that its approval was unreasonable.

ITEM 9. Amend rule 281—17.5(282), introductory paragraph, as follows:

281—17.5(282) Filing after the January 1 March 1 deadline—good cause inapplicable harassment or serious health condition. A parent/guardian may apply for open enrollment after the filing deadline of ~~January 1~~ **March 1** of the school year preceding the school year for which open enrollment is requested if the parent's/guardian's child is the victim of repeated acts of harassment or if the child has a serious health condition that the resident district cannot adequately address. If either of these conditions exists, the parent/guardian shall be permitted to apply for open enrollment by sending notification to both the resident and receiving districts. *A decision by either board to deny an application filed under this rule involving repeated acts of harassment of the student or a serious health condition of the student that the resident district cannot adequately address is subject to appeal under Iowa Code section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child or children.*

ITEM 10. Amend rule 281—17.7(282), introductory paragraph, as follows:

281—17.7(282) Open enrollment for kindergarten. While the regular time frame in requesting open enrollment is that an application should be made no later than ~~January 1~~ **March 1** of the school year preceding the school year for which the enrollment is requested, a parent/guardian requesting to enroll a kindergarten pupil in a district other than the district of residence may make such application on or before ~~the Thursday before the third Friday of September 1~~ of that school year. In considering an application for a kindergarten pupil, the resident and the receiving district are not precluded from administering board-adopted policies related to insufficient classroom space or the requirements of a desegregation plan or order.

ITEM 11. Amend subrule 17.8(2), introductory paragraph, as follows:

17.8(2) Restrictions on participation in interscholastic athletic contests and competitions. A pupil who changes school districts under open enrollment in any of the grades ~~10 through 12~~ **9 through 12** shall not be eligible to participate in *varsity* interscholastic athletic contests and competitions during the first 90 school days of enrollment. This restriction also shall apply to enrollments resulting from an approved petition filed by a parent/guardian to open enroll to an alternative receiving district and when the pupil returns to the district of residence using the process outlined in subrule 17.8(4). This 90-school-day restriction does not prohibit the pupil from practicing with an athletic team during the 90 school days of ineligibility. This 90-school-day restriction is not applicable to a pupil who:

ITEM 12. Amend subrule 17.8(4), introductory paragraph, as follows:

17.8(4) Petition for attendance in an alternative receiving district. Once the pupil of a parent/guardian has been accepted for open enrollment, attendance in an alternative receiving

EDUCATION DEPARTMENT[281](cont'd)

district under open enrollment can be initiated by filing a petition for change with the receiving district. The petition shall be filed by the parent/guardian with the receiving district on or before ~~January 1~~ *March 1* of the year preceding the school year for which the change is requested. The timelines and notification requirements for such a request shall be the same as outlined in subrule 17.3(2). If the request is approved, the alternative district shall send notice of this action to the parent/guardian, to the original receiving district, and to the resident district of the pupil. Petitions for change shall be effectuated at the start of the next school year.

ARC 4471B**EDUCATION DEPARTMENT[281]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 256.7, the State Board of Education hereby gives Notice of Intended Action to amend Chapter 77, “Standards for Teacher Intern Preparation Programs,” Iowa Administrative Code.

These amendments are required by Iowa Code section 272.25(4) and are part of ongoing program approval revisions.

No waiver provision is included because the Board of Education has adopted agencywide waiver rules.

A public hearing will be conducted on September 23, 2005, at 9 a.m., in Conference Room 2 South, Grimes State Office Building, Second Floor, Des Moines, Iowa.

Written, oral or electronic comments should be directed to Arlie Willems, Consultant, Department of Education, Grimes State Office Building, Des Moines, Iowa 50314-0146; telephone (515)281-3427; E-mail arlie.willems@iowa.gov. Comments on the proposed amendments will be accepted until 4:30 p.m. on September 23, 2005.

These amendments are intended to implement Iowa Code subsection 272.25(4).

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend rule ~~281—77.2(256)~~ by rescinding the definition of “partnership.”

ITEM 2. Amend rule ~~281—77.8(256)~~, introductory paragraph, as follows:

281—77.8(256) Governance and resources. As a component of the program, the institution shall develop a ~~partnership~~ *work collaboratively* with the institution and local school district(s) or AEA. ~~The partnership agreement shall clearly delineate the partnership members’ responsibilities and resources to be contributed to the program.~~

ITEM 3. Amend subrule 77.8(1) as follows:

77.8(1) The institution’s responsibilities shall include but not be limited to:

a. Organizing and implementing the screening of prospective teacher interns;

b. Submitting a recommendation by the authorized official of the institution to the BOEE for a teacher intern license. The recommendation from the institution must be submitted to the BOEE upon the teacher intern candidate’s completion of the ~~first 12 semester hours coursework and competencies~~, as outlined in the program content *in subrule 77.12(1)*, and prior to the beginning of the teacher internship year;

c. Supervising the teacher intern during the internship year;

d. Verifying that the teacher intern has successfully completed all required coursework and demonstrated all required competencies in the approved teacher intern program;

e. Submitting a recommendation to the BOEE that the teacher intern candidate is eligible to move from the teacher intern license to the initial license. ~~The recommendation from the institution must be submitted to the BOEE upon the teacher intern candidate’s completion of the second 12 semester hours, as outlined in the program content.~~

f. Preparing data in response to the department’s request for information regarding, but not limited to, the selection of teacher interns and the institution’s teacher intern preparation program, institutional support, local school district or AEA mentors, and local school district or AEA support.

ITEM 4. Amend subrule **77.8(2)** by amending paragraphs “a” and “b” and adopting a new unnumbered paragraph as follows:

a. Offering employment to an individual who has been evaluated by a college or university ~~for eligibility in and is eligible for or accepted in~~ the approved teacher intern preparation program;

b. Participating in a ~~state-approved~~ mentoring and induction program;

Mentors serve the role of coaching, guiding, and providing feedback to the intern. This relationship is not a supervisory situation and evaluation is not part of this model.

ITEM 5. Amend subrule 77.8(3), introductory paragraph, as follows:

77.8(3) A teacher intern committee, with membership ~~from the partnership~~ including, but not limited to, a program director from the institution, teacher education faculty, and 7-12 school ~~principals district personnel~~, shall design the teacher intern preparation program.

ITEM 6. Amend subrule 77.11(1), introductory paragraph, as follows:

77.11(1) Representatives from ~~members of the partnership the teacher intern committee~~ shall be actively involved in the identification of criteria for selecting teacher intern candidates. Representatives from ~~members of the partnership the teacher intern committee~~ shall be actively involved in the screening, interviewing and selection of teacher intern candidates.

ITEM 7. Amend subrule **77.11(2)** by adopting new paragraph “g” as follows:

g. Verification that the prospective candidate has successfully passed a basic skills test at the level approved by the teacher education institution.

ITEM 8. Amend subrule **77.12(1)**, paragraphs “a” and “c,” introductory paragraphs, as follows:

a. ~~A minimum of 12 semester hours of introductory content Coursework and competencies~~ specified by the board of educational examiners to be completed prior to the beginning

EDUCATION DEPARTMENT[281](cont'd)

of the academic year of the candidate's initial employment as a teacher intern. ~~This introductory content~~ *The coursework and competencies* shall include, but not be limited to:

c. ~~A minimum of 12 semester hours of concluding content~~ *Coursework and competencies* specified by the BOEE to be completed prior to the recommendation for an initial teaching license. ~~This content~~ *The coursework and competencies* shall include but not be limited to:

ITEM 9. Amend subrule 77.13(4) as follows:

77.13(4) The program shall coordinate support between the teacher intern candidate's local district mentor and program supervisor. *In some cases, the institution may wish to hire its own on-site cooperating teacher to serve as a second mentor who could also provide evaluative feedback to the institution.*

ITEM 10. Amend subrule 77.14(2) as follows:

77.14(2) The program shall utilize a coherent, sequential assessment system for individual teacher intern candidates. The assessment system shall clearly document candidates' attainment of the unit's and the board of educational examiners' licensure standards by providing evidence via multiple measures of content knowledge, professional and pedagogical knowledge, and effect on student learning and achievement. Whenever possible, this assessment system shall document teacher intern candidates' performance of content specified in 77.12(1)"a"(1) to (7) and 77.12(1)"c"(1) to (5) in the teacher intern candidates' classrooms *and shall document candidates' performance toward meeting the Iowa teaching standards.*

ARC 4478B

HUMAN SERVICES
DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, "Conditions of Eligibility," Iowa Administrative Code.

This amendment increases the premiums assessed for coverage under the group "Medicaid for employed people with disabilities." When the gross income of a disabled person in this coverage group exceeds 150 percent of the federal poverty level, the Department assesses premiums on a sliding scale, based on a percentage of the person's income. Approximately one-fourth of the recipients in this group pay premiums for the coverage.

Iowa Code section 249A.3(2) requires the maximum premium to be "commensurate with the cost of state employees' group health insurance." This amendment increases existing premium amounts by 10.76 percent, based on the increases in the cost of Iowa state employees' group health insurance that took effect in January 2005. The maximum premium amount is charged when the average cost for state employees insurance is equal to 7.5 percent of the disabled person's gross income.

Currently, the maximum premium amount is \$381 per month and is assessed to all recipients with incomes over 632 percent of the federal poverty level. Under the amendment, the highest premium amount is \$422 per month and is assessed when the recipient's income is over 705 percent of the federal poverty level. Because the poverty level has not increased as fast as the cost of state employees' health insurance, the income range covered by the premiums is larger and the poverty level increments at which increases in the premium apply have been adjusted.

This amendment does not provide for waivers in specified situations because the Department believes that all recipients with similar incomes should be subject to the same premium collection. Individuals may request a waiver of the premium level under the Department's general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendment on or before September 21, 2005. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 249A.3, subsection 2.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule **75.1(39)**, paragraph "**b**," subparagraph (1), as follows:

(1) Premiums shall be assessed as follows:

<i>If the Income of the Eligible Individual Is Above:</i>	<i>The Monthly Premium Is:</i>
150% of federal poverty level	\$24 \$27
174% 178% of federal poverty level	\$45 \$50
198% 206% of federal poverty level	\$67 \$74
222% 234% of federal poverty level	\$87 \$96
246% 262% of federal poverty level	\$108 \$120
270% 290% of federal poverty level	\$130 \$144
294% 318% of federal poverty level	\$151 \$167
318% 346% of federal poverty level	\$173 \$192
342% 374% of federal poverty level	\$193 \$214
366% 402% of federal poverty level	\$215 \$238
390% 430% of federal poverty level	\$237 \$262
438% 485% of federal poverty level	\$265 \$292
486% 540% of federal poverty level	\$293 \$325
534% 595% of federal poverty level	\$321 \$356
582% 650% of federal poverty level	\$349 \$387
632% 705% of federal poverty level	\$381 \$422

ARC 4477B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, “Amount, Duration, and Scope of Medical and Remedial Services,” Chapter 81, “Nursing Facilities,” and Chapter 84, “Early and Periodic Screening, Diagnosis, and Treatment,” Iowa Administrative Code.

These amendments exclude Medicaid coverage for “covered Part D drugs” for people who are eligible for the new Medicare Part D drug benefit. Effective January 1, 2006, Medicaid recipients who are also eligible for the new Medicare Part D drug benefit are required to receive drugs through the new Medicare Part D drug benefit. Amendments to the federal Medicaid statute enacted with the new Medicare drug benefit prohibit state Medicaid programs from providing “covered Part D drugs” to people who are eligible for Part D, regardless of whether they have actually applied for the benefit.

“Covered Part D drugs” include most prescription drugs formerly covered by Medicaid for people eligible for both Medicaid and Medicare. Some categories of drugs are not “covered Part D drugs,” such as nonprescription drugs, prescription drugs used for symptomatic relief of cough and colds, prescription vitamins and minerals, barbiturates, and benzodiazepines. To the extent these drugs are currently covered by the Iowa Medicaid program, they will continue to be covered for recipients eligible for the Medicare Part D drug benefit.

This restriction on coverage would present a savings to the Iowa Medicaid program, except that the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 contains a “claw back” provision to shift costs back to the state.

These amendments do not provide for waivers in specified situations because the federal law does not allow waivers.

Any interested person may make written comments on the proposed amendments on or before September 21, 2005. Comments should be directed to Mary Ellen Imlau, Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515) 281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.4, subsections 6 and 9.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee’s review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule **78.1(2)**, paragraph “a,” subparagraph (2), as follows:

(2) Notwithstanding subparagraph (1), payment is not made for:

1. ~~drugs~~ *Drugs* if the prescribed use is not for a medically accepted indication as defined by Section 1927(k)(6) of the Social Security Act;

2. ~~drugs~~ *Drugs* used to cause anorexia, weight gain, or weight loss (except for lipase inhibitor drugs for weight loss, with prior authorization as provided in subparagraph (3) below);

3. ~~drugs~~ *Drugs* used for cosmetic purposes or hair growth;

4. ~~drugs~~ *Drugs* used to promote smoking cessation;

5. ~~otherwise~~ *Otherwise* covered outpatient drugs if the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or the manufacturer’s designee;

6. ~~drugs~~ *Drugs* described in Section 107(c)(3) of the Drug Amendments of 1962; and identical, similar, or related drugs (within the meaning of Section 310.6(b)(1) of Title 21 of the Code of Federal Regulations (DESI drugs));

7. “Covered Part D drugs” as defined by 42 U.S.C. Section 1395w-102(e)(1)-(2) for any “Part D eligible individual” as defined by 42 U.S.C. Section 1395w-101(a)(3)(A), including an individual who is not enrolled in a Medicare Part D plan; and

8. ~~drugs~~ *Drugs* which are prescribed for an individual for fertility purposes. Exceptions may be made to allow payment for fertility drugs if prescribed for a use that meets the definition of a medically accepted indication as described previously in this subparagraph.

ITEM 2. Amend subrule **78.1(3)** by adopting **new** paragraph “g” as follows:

g. Payment will not be approved for injections of “covered Part D drugs” as defined by 42 U.S.C. Section 1395w-102(e)(1)-(2) for any “Part D eligible individual” as defined in 42 U.S.C. Section 1395w-101(a)(3)(A), including an individual who is not enrolled in a Part D plan.

ITEM 3. Amend subrule **78.31(4)**, paragraph “d,” subparagraph (7), numbered paragraph “3,” as follows:

3. Drugs and biologicals furnished to outpatients for therapeutic purposes only if they are of the type which cannot be self-administered and are not “covered Part D drugs” as defined by 42 U.S.C. Section 1395w-102(e)(1)-(2) for a “Part D eligible individual” as defined in 42 U.S.C. Section 1395w-101(a)(3)(A), including an individual who is not enrolled in a Part D plan.

ITEM 4. Amend subrule **78.36(1)**, paragraph “a,” subparagraph (6), as follows:

(6) Medical appliances and supplies, including drugs and biologicals, as needed for the palliation and management of the individual’s terminal illness and related conditions, except for “covered Part D drugs” as defined by 42 U.S.C. Section 1395w-102(e)(1)-(2) for a “Part D eligible individual” as defined in 42 U.S.C. Section 1395w-101(a)(3)(A), including an individual who is not enrolled in a Part D plan.

ITEM 5. Amend subrule **81.10(5)** as follows:

Amend paragraph “a,” subparagraph (4), as follows:

(4) ~~Nonlegend Nonprescription~~ drugs ordered by the physician except for those specified in 441—78.1(2)“f.”

Amend paragraph “d,” subparagraph (1), as follows:

(1) ~~Legend drugs and nonlegend drugs specified in 441—78.1(2)“f.”~~ *Drugs covered pursuant to 441—78.1(2).*

Amend paragraph “e,” subparagraph (3), as follows:

HUMAN SERVICES DEPARTMENT[441](cont'd)

(3) If a physician does not ~~prescribe~~ *order* a ~~nonlegend~~ *nonprescription* drug by brand name, the facility may offer a generic ~~brand~~. If a resident or family member requests a brand name, the resident or family member may pay for the brand-name ~~nonlegend~~ *nonprescription* drug.

ITEM 6. Amend subrule 84.3(3) as follows:

84.3(3) Appropriate immunizations according to age and health history as recommended through the vaccines for children program, *except that "covered Part D drugs" as defined by 42 U.S.C. Section 1395w-102(e)(1)-(2) are not covered for any "Part D eligible individual" as defined in 42 U.S.C. Section 1395w-101(a)(3)(A), including an individual who is not enrolled in a Part D plan.*

ARC 4473B

IOWA FINANCE AUTHORITY[265]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3(1)"b" and 16.5(17) and 2005 Iowa Acts, House File 882, division XI, sections 161 and 162, the Iowa Finance Authority hereby gives Notice of Intended Action to adopt new Chapter 25, "Entrepreneurs with Disabilities Program," Iowa Administrative Code.

This amendment proposes a new chapter concerning the Entrepreneurs with Disabilities Program to be operated by the Authority. The Authority works in collaboration with the Department of Education, Division of Iowa Vocational Rehabilitation Services, and the Iowa Department for the Blind to administer the Entrepreneurs with Disabilities Program. The purpose of the Entrepreneurs with Disabilities Program is to provide technical assistance, business development grants, and financial assistance grants to qualified Iowans with disabilities.

These rules do not contain a waiver provision, as the Authority does not intend to grant waivers under this program, other than as may be allowed pursuant to Chapter 18 of the Authority's rules.

The Authority will receive written comments on the proposed chapter until 4:30 p.m. on September 20, 2005. Comments may be addressed to Donna Davis, Iowa Finance Authority, 100 East Grand, Suite 250, Des Moines, Iowa 50309. Comments may be faxed to Donna Davis at (515)242-4957 or E-mailed to Donna Davis at donna.davis@ifa.state.ia.us. Persons who wish to comment orally should contact Donna Davis at (515)242-4990.

The Authority will hold a public hearing on September 20, 2005, from 9 to 10 a.m. to receive public comments on this amendment. The public hearing will be held at the office of the Iowa Finance Authority, 100 East Grand, Suite 250, Des Moines, Iowa; telephone (515)242-4990.

The Authority anticipates that it may make changes to these rules based on comments received from the public.

These rules are intended to implement Iowa Code section 16.5(17) and 2005 Iowa Acts, House File 882, division XI, sections 161 and 162.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following new chapter is proposed.

CHAPTER 25

ENTREPRENEURS WITH DISABILITIES PROGRAM

265—25.1(16) Purpose. The Iowa finance authority works in collaboration with the department of education, division of Iowa vocational rehabilitation services, and the Iowa department for the blind to administer the entrepreneurs with disabilities program. The purpose of the entrepreneurs with disabilities program is to provide technical assistance, business development grants, and financial assistance grants to qualified Iowans with disabilities.

265—25.2(16) Definitions. As used in this chapter, unless the context otherwise requires:

"Applicant" means an individual who is an active client of the department of education, division of Iowa vocational rehabilitation services, or the Iowa department for the blind.

"Authority" means the Iowa finance authority.

"Business plan" means a written document which includes the following components: (1) a description of the business, (2) an organization plan including information regarding the legal form of business/owner and owner/operator qualifications, (3) a marketing plan which includes information regarding competition, location, targeted markets, product/service description, market need, promotional plan, and sales/marketing methods, (4) a financial plan including information relative to fixed assets owned or needed, working capital needs, a two-year cash flow projection, a two-year projected profit and loss statement, and a personal budget, and (5) other information deemed necessary by the counselor and the consultant for a clearer understanding of the business plan.

"Consultant" means a person or organization providing specific business technical assistance.

"Counselor" means a designated case counselor working for the department of education, division of Iowa vocational rehabilitation services, or the Iowa department for the blind.

"Financial assistance grant" means moneys awarded to an applicant based upon a sources and uses statement form. These moneys may be used for, but are not limited to, equipment purchases and working capital. Working capital may include, but is not limited to, design and printing of marketing materials, advertising, rent (up to six months), direct mail postage costs, raw materials, inventory, insurance, and other start-up, expansion or acquisition costs. Financial assistance grants shall not exceed 50 percent of the financial package (up to \$10,000) required to start up, expand or acquire a business unless authorized by the administrator of the Iowa department of education, division of Iowa vocational rehabilitation services, or Iowa department for the blind.

"Follow-up technical assistance" means grant moneys provided on behalf of an applicant to hire a consultant(s) for a specified number of hours to provide business technical assistance subsequent to the start-up, expansion or acquisition of a business.

"IDB" means the Iowa department for the blind.

"IVRS" means the Iowa department of education, division of Iowa vocational rehabilitation services.

"Program" means the entrepreneurs with disabilities program.

IOWA FINANCE AUTHORITY[265](cont'd)

“Program manager” means the designated manager of the program for the authority.

“Project plan and budget form” means a form that identifies specific steps in the business planning process, the consultant(s) who will provide such service, budgetary guidelines, and a timeline. Project plan and budget forms are provided by the counselor following evaluation and scoring of an application for the program.

“Sources and uses statement form” means a form that defines the specific financial needs for business start-up, expansion, or acquisition. Sources and uses statement forms are provided to an applicant by the counselor following evaluation and scoring of an application for the program and the submission and review by the counselor and the consultant of a business plan.

“Technical assistance grant” means moneys awarded on behalf of an applicant to hire consultants to assist an applicant with specialized technical assistance such as an introductory business orientation workshop, market analysis, marketing plans, engineering, legal, computer services, financial packaging, or follow-up technical assistance. These moneys may not be used to subsidize business operations and are based upon the project plan and budget form. Technical assistance grants shall not exceed \$10,000 per client unless authorized by the administrator of the IVRS or IDB.

265—25.3(16) Eligibility requirements. Clients of the IVRS or the IDB may apply for the program.

265—25.4(16) Application procedure.

25.4(1) Application. Application materials for the program are available from IVRS, IDB, and the authority.

25.4(2) Submittal. Completed applications shall be submitted to the IVRS or the IDB counselor.

25.4(3) Review. Applications will be forwarded to the consultant and the IVRS counselor or the consultant and the IDB counselor for review. Applications receiving a minimum of 60 points out of a total 100 points will be eligible to pursue a technical assistance grant or a financial assistance grant. If the application is for financial assistance only, a business plan will be required at the time of submission of the application. Business plans receiving a minimum score of 75 points out of a total of 100 points will be able to pursue a financial assistance grant. Approval of a technical assistance grant is based upon acceptance of a project plan and budget form. Approval of a financial assistance grant is based upon acceptance of a business plan and a sources and uses statement form. A decision on all applications and forms will generally be issued within 30 days of submission with notification by letter to the applicant.

25.4(4) Applications for technical assistance—evaluation factors. Applications for the program will be reviewed and evaluated using a 100-point system, based upon the following criteria:

a. Descriptive and organization information: 0 - 30 points. Does the applicant have education, skills, and work experience relevant to the proposed business venture? Does the applicant document previous management or accounting experience? Is the applicant clear on the nature of the business?

b. Market information: 0 - 30 points. Does the application indicate a clear understanding of potential customer groups and how to reach them? Does the application show sufficient knowledge of products/services, competition, and marketing methods? Does the applicant understand the critical issue of location?

c. Financial information: 0 - 30 points. Does the applicant demonstrate an understanding of how to estimate sales potential? Does the applicant indicate knowledge of estimated capital requirements for business start-up, expansion, or acquisition?

d. Creditworthiness: 0 - 10 points. Does the applicant's past credit history demonstrate responsible behavior? Awards will not be made if the applicant has a credit history showing delinquent credit obligations including, but not limited to, unpaid income tax, delinquent child support obligations, or defaulted student loans.

25.4(5) Applications for financial assistance—evaluation factors for business plans. Applications for financial assistance from the program will be reviewed and evaluated using a 100-point system, based upon the following criteria:

a. Feasibility: 0 - 25 points. Feasibility will be considered based upon the overall business plan. Rating factors for this criterion include, but are not limited to: market analysis, financial projections, initial capitalization, management, and historic data relative to similar businesses. A minimum of 15 points is required for this rating factor.

b. Market plan: 0 - 25 points. Does the business plan contain sufficient information to demonstrate that the applicant fully understands who the applicant's customers will be and how to reach them? Is there adequate information about competition, market need, location, sales/marketing methods and a product/service description? Is a promotional plan included in the business plan? A minimum of 15 points is required for this rating factor.

c. Financial plan: 0 - 25 points. Does the business plan contain a two-year cash flow projection and profit and loss projection? Is there an itemized listing of fixed assets, working capital, and other start-up, expansion and acquisition needs, including detailed descriptions of equipment to be purchased? Is there a clear statement regarding the composition of the anticipated financial package? Has the applicant provided a personal financial statement along with a detailed personal monthly budget form? A minimum of 15 points is required for this rating factor.

d. Organizational information: 0 - 25 points. Does the business plan document sufficient education and work experience relevant to the proposed business? Does the business plan demonstrate adequate management experience by the principal party(ies)? A minimum of 15 points is required for this rating factor.

25.4(6) Appeal of application evaluation. If an application is denied based upon the assignment of an inadequate evaluation score, an applicant may appeal the decision to the IVRS or the IDB. An appeal shall be consistent with the IVRS and the IDB appeal processes.

265—25.5(16) Award of technical assistance grants.

25.5(1) Awards. Technical assistance grants may be awarded up to \$10,000 per applicant. Technical assistance grants shall be used for specialized technical assistance provided by a qualified consultant. Specialized technical assistance may include, but is not limited to, market analysis, marketing plans, engineering, legal, computer services, preliminary business plan development, financial packaging, and follow-up technical assistance following business start-up, expansion, and acquisition. Technical assistance grant applicants will be eligible for an additional 10 to 20 consulting hours of follow-up technical assistance when the business is started, expanded, or acquired.

25.5(2) Award process. Upon approval of the application by the counselor and the consultant, generally within 30 days, an applicant will receive notification of eligibility to

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pursue technical or financial assistance. The letter will request that a project plan and budget be submitted to the counselor if the applicant is pursuing technical assistance or that a sources and uses statement be submitted to the counselor if the applicant is pursuing financial assistance.

25.5(3) Approval of project plan and budget. A project plan and budget form will accompany notification letters. The project plan and budget form will require an applicant to identify specific steps in the business planning process, who will be involved in each step of the process, budgetary guidelines, and a timeline. The completed project plan and budget form must be signed by the applicant and submitted to the counselor for approval.

25.5(4) Technical assistance grant contracts. IVRS shall negotiate contracts with qualified business consultants for delivery of services to an applicant. The contracts shall state hourly fees for services, type of service to be provided and a timeline for delivery of services. Authorization of payment will be made by the IVRS or the IDB counselor based upon the negotiated rate as noted in the project plan and budget form. A copy of each contract shall be provided to the authority.

25.5(5) Consultants. Applicants will be provided a list of qualified business consultants by the counselor. The selection of consultant(s) shall be the responsibility of the applicant.

25.5(6) Case management. The counselor will commit a specific number of hours of direct consultation to each applicant to ensure the delivery of quality services from the selected consultant and the development of a comprehensive business plan.

265—25.6(16) Financial assistance grants.

25.6(1) Grant awards. Financial assistance grants may be awarded for up to 50 percent (not to exceed \$10,000) of the equipment or working capital needed to start, expand, or acquire a business as defined in the sources and uses statement form. The remaining 50 percent of equipment or working capital needed to start, expand, or acquire a business shall be provided by an applicant through conventional financing or other sources. Working capital may include, but is not limited to, design and printing of marketing materials, advertising, rent (up to six months), direct mail postage, raw materials, inventory, insurance (up to six months), and other start-up, expansion, or acquisition costs. It is a goal of the program that program funds assist an applicant in also securing financing from a commercial or private source.

25.6(2) Approval of sources and uses forms. The sources and uses form will define specific financial needs for business start-up, expansion, or acquisition. Sources and uses forms shall be provided to an applicant by the counselor following evaluation of the application for the program and the submission and review of the business plan. Completed sources and uses forms shall be submitted to the counselor and the consultant. The counselor, the consultant, and the applicant will meet to review the sources and uses form. Generally, this process shall be completed within 30 days from submission of the forms.

25.6(3) Award process. Upon the counselor's approval of the sources and uses form, the counselor shall send an applicant a notification letter which shall state the amount and conditions of the award.

25.6(4) Financial assistance grant contracts. Contracts for financial assistance grants shall be the responsibility of the IVRS or the IDB and will be consistent with the authorized use of Title I vocational rehabilitation funds.

265—25.7(16) Monitoring. The program manager reserves the right to monitor the consultants' records to ensure compliance with the terms of the contract.

These rules are intended to implement Iowa Code sections 16.5(17) and 2005 Iowa Acts, House File 882, sections 161 and 162.

ARC 4447B**MEDICAL EXAMINERS
BOARD[653]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 147.76 and 272C.3, the Board of Medical Examiners hereby gives Notice of Intended Action to amend Chapter 13, “Standards of Practice and Principles of Medical Ethics,” Iowa Administrative Code.

The Board approved the proposed amendment to Chapter 13 during a regularly scheduled meeting on July 28, 2005.

The proposed amendment establishes collaborative practice between physicians and pharmacists in the community and hospital settings. A supervising physician may delegate aspects of drug therapy management for the physician's patients to an authorized pharmacist through a community practice protocol. A hospital pharmacy and therapeutics (P&T) committee may authorize hospital pharmacists to perform drug therapy management for inpatients through a hospital practice protocol. The proposed amendment outlines the requirements of community practice protocols, patient consent to participate in community practice protocols, and hospital practice protocols.

Any interested person may present written comments on the proposed amendment not later than 4:30 p.m. on September 20, 2005. Such written materials should be sent to Ann E. Mowery, Executive Director, Board of Medical Examiners, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or by E-mail to ann.mowery@iowa.gov.

There will be a public hearing on September 20, 2005, at 3 p.m. in the Board office, at which time persons may present their views either orally or in writing. The Board of Medical Examiners office is located at 400 S.W. Eighth Street, Suite C, Des Moines, Iowa.

This amendment is intended to implement Iowa Code chapters 148, 150 and 150A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Renumber rule **653—13.4(147,148,150)** as **653—13.5(147,148,150)** and adopt the following **new** rule 653—13.4(147):

653—13.4(147) Supervision of pharmacists engaged in collaborative drug therapy management. A supervising physician may delegate aspects of drug therapy management

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to an authorized pharmacist pursuant to the requirements of this rule. The supervising physician retains the ultimate responsibility for the care of the patient.

13.4(1) Definitions.

a. "Authorized pharmacist" means an Iowa-licensed pharmacist who has met the training requirements of the pharmacy examiners board.

b. "Collaborative drug therapy management" means participation by a supervising physician and an authorized pharmacist in the management of drug therapy pursuant to a written, community practice protocol or a hospital practice protocol.

c. "Collaborative practice" means that a supervising physician may delegate aspects of drug therapy management for the physician's patients to an authorized pharmacist through a community practice protocol. "Collaborative practice" also means that a hospital pharmacy and therapeutics (P&T) committee may authorize hospital pharmacists to perform drug therapy management for inpatients through a hospital practice protocol.

d. "Community practice protocol" means a written, executed agreement entered into voluntarily between a physician and a pharmacist establishing drug therapy management for one or more of the physician's patients residing in a community setting. A community practice protocol shall comply with the requirements of subrule 13.4(2).

e. "Community setting" means a location outside a hospital inpatient, acute care setting. A community setting may include, but is not limited to, a home, group home, assisted living facility, correctional facility, hospice, or long-term care facility.

f. "Hospital pharmacist" means an Iowa-licensed pharmacist who has met the requirements for participating in a hospital practice protocol as determined by the hospital's P&T committee.

g. "Hospital practice protocol" means a written plan, policy, procedure, or agreement which authorizes drug therapy management between physicians and hospital pharmacists within a hospital as developed and determined by its P&T committee. Such a protocol may apply to all physicians and hospital pharmacists at a hospital or only to those who are specifically recognized. A hospital practice protocol shall comply with the requirements of subrule 13.4(3).

h. "Physician" means a person who is currently licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

i. "Supervising physician" means a physician who, pursuant to a duly executed, written protocol, has agreed to supervise an authorized pharmacist and is the physician responsible for the overall management and supervision of the activities of the pharmacist as they are directly related to patients receiving medications or disease management services under the protocol. The supervising physician shall supervise an authorized pharmacist's practice only in areas common to the physician's practice. The supervising physician who is the main caregiver for the patient shall be noted in the protocol as the principal supervising physician.

13.4(2) Community practice protocol.

a. A principal supervising physician shall engage in collaborative drug therapy management with a pharmacist only under a written protocol that has been submitted and approved by the pharmacy and medical examiners boards.

b. The community practice protocol shall include:

(1) The name and contact information for each authorized pharmacist who is party to the protocol and is eligible to man-

age the drug therapy of a particular patient. If more than one authorized pharmacist is party to the agreement, a principal pharmacist shall be designated in the protocol.

(2) The name and contact information for each supervising physician(s) who may prescribe drugs and is responsible for supervising a patient's drug therapy management. If more than one supervising physician is party to the agreement, the physicians shall work for a single, organized medical group. The supervising physician who is the main caregiver for the patient shall be noted in the protocol as the principal supervising physician.

(3) The name and contact information of the principal supervising physician and the principal authorized pharmacist who are responsible for development, training, administration, and quality assurance of the protocol.

(4) A detailed written protocol pursuant to which the authorized pharmacist will base drug therapy management decisions for patients. The protocol shall authorize one or more of the following:

1. Prescriptions. The supervising physician may authorize any of the following: therapeutic substitution within a class of drugs, therapeutic substitution with generic drugs, or modification of drug dosages based on symptoms, laboratory or physical findings defined in the protocol. The protocol shall include information specific to the dosage, frequency, duration and route of administration of the drug authorized by the supervising physician. The supervising physician may not authorize the pharmacist to change Schedule II drugs, initiate new drugs, or substitute a drug from another class.

2. Laboratory tests. The supervising physician may authorize the pharmacist to obtain specific laboratory tests or to conduct specific laboratory tests as long as the tests relate directly to the drug therapy management.

3. Physical findings. The supervising physician may authorize the pharmacist to check certain physical findings, e.g., vital signs, oximetry, or peak flows, that enable the pharmacist to assess and adjust the drug therapy, detect adverse drug reactions or determine if the patient should be referred back to the supervising physician for follow-up.

4. Patient activities. The supervising physician may authorize the pharmacist to monitor specific patient activities.

(5) Procedures for obtaining the patient's written consent.

(6) Circumstances which will cause the authorized pharmacist to initiate communication with the supervising physician, including but not limited to the need for new prescription orders and reports of patients' therapeutic responses or adverse effects.

(7) A detailed statement identifying the specific drugs, laboratory tests and physical findings upon which the authorized pharmacist will base drug therapy management decisions.

(8) A provision for the collaborative drug therapy protocol to be reviewed, updated and reexecuted or discontinued at least every two years.

(9) A description of the method the pharmacist shall use to document decisions or recommendations for the supervising physician.

(10) A description of the types of reports the supervising physician requires the pharmacist to provide and the schedule by which the pharmacist is to submit these reports. The schedule shall include a time frame in which a pharmacist shall report adverse effects to the principal supervising physician.

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(11) A statement of the medication categories and the type of initiation and modification of drug therapy that the supervising physician authorizes the pharmacist to perform.

(12) A description of the procedures or plan that the pharmacist shall follow if the pharmacist modifies a drug therapy.

(13) Procedures for record keeping, record sharing and long-term record storage.

(14) Procedures to follow in emergency situations.

(15) The signatures of the supervising physician(s) and pharmacist(s) and the dates of those signatures. If more than one physician agrees to supervise the pharmacist(s), each supervising physician and authorized pharmacist shall sign and date the protocol.

(16) A statement that certifies that the supervising physician(s) has advised the respective malpractice liability carriers concerning the protocol and supervisory relationship, and that any potential liability that may ensue as a result of implementing the protocol agreement shall be covered by the malpractice liability insurance policies or endorsement thereto.

(17) A statement that forbids the authorized pharmacist from delegating drug therapy management to anyone other than another authorized pharmacist who has signed the applicable protocol with the supervising physician.

(18) A description of the mechanism for the pharmacist(s) to communicate to the physician(s) and for documentation of the implementation of the collaborative drug therapy.

c. Collaborative drug therapy management is valid only when initiated by a written protocol executed by at least one supervising physician and one authorized pharmacist.

d. The supervising physician shall not delegate collaborative drug therapy management to any unlicensed or licensed person other than another supervising physician or authorized pharmacist.

e. The collaborative drug therapy management protocol must be filed with the pharmacy examiners board, kept on file in the pharmacy and made available to the medical and pharmacy examiners boards upon request.

f. Any supervising physician may terminate or amend the collaborative drug therapy management protocol with a qualified pharmacist if the physician notifies, in writing, the pharmacist and the executive director of the pharmacy examiners board. Notification shall include the name of the authorized pharmacist(s), the desired change, and the proposed effective date of the change.

g. Patient consent for community practice protocols. The principal supervising physician is responsible for securing a patient's written consent to participate in drug therapy management and for transmitting a copy of the consent to an authorized pharmacist prior to the initiation of collaborative drug therapy management. The consent shall indicate which protocol is involved. The principal supervising physician shall maintain the patient consent in the patient's medical record.

13.4(3) Hospital practice protocol.

a. A hospital's P&T committee shall determine the scope and extent of collaborative drug therapy management practices that may be conducted by its hospital pharmacists.

b. Collaborative drug therapy management within a hospital setting is valid only when approved by the hospital's P&T committee.

c. The hospital practice protocol shall include:

(1) The names, types, or groups of practitioners who are authorized by the P&T committee to participate in collaborative drug therapy management.

(2) The name of each supervising physician(s) who may prescribe drugs and is responsible for supervising a patient's drug therapy management. The supervising physician who is the main caregiver for the patient shall be noted in the protocol as the principal supervising physician.

(3) A plan for development, training, administration, and quality assurance of the protocol.

(4) A detailed written protocol pursuant to which the hospital pharmacist will base drug therapy management decisions for patients. The protocol shall authorize one or more of the following:

1. Medication orders. The P&T committee may authorize therapeutic substitution within a class of drugs or modification of drug dosages based on symptoms, laboratory or physical findings defined in the protocol, or both. The protocol shall include information specific to the dosage, frequency, duration and route of administration of the drug authorized by the supervising physician. The P&T committee may not authorize the hospital pharmacist to change Schedule II drugs, initiate new drugs, or substitute a drug from another class.

2. Laboratory tests. The P&T committee may authorize the hospital pharmacist to obtain specific laboratory tests or to conduct specific laboratory tests as long as the tests relate directly to the drug therapy management.

3. Physical findings. The P&T committee may authorize the hospital pharmacist to check certain physical findings, e.g., vital signs, oximetry, or peak flows, that enable the pharmacist to assess and adjust the drug therapy, detect adverse drug reactions or determine if the patient should be referred back to the supervising physician for follow-up.

(5) Circumstances which will cause the hospital pharmacist to initiate communication with the supervising physician, including but not limited to the need for new medication orders and reports of patients' therapeutic responses or adverse effects.

(6) A statement of the medication categories and the type of initiation and modification of drug therapy that the P&T committee authorizes the hospital pharmacist to perform.

(7) A description of the procedures or plan that the hospital pharmacist shall follow if the hospital pharmacist modifies a drug therapy.

(8) A description of the mechanism for the hospital pharmacist(s) to communicate to the physician(s) and for documentation of the implementation of the collaborative drug therapy.

This rule is intended to implement Iowa Code chapters 148, 150 and 150A.

ARC 4472B

NATURAL RESOURCE COMMISSION[571]

Notice of Termination

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on June 8, 2005, as **ARC 4237B**, that proposed to rescind Chapter 16, "Public, Commercial, Private Docks and Dock Management Areas," Iowa Administrative Code.

The Notice proposed to adopt a new Chapter 16, "Docks and Other Structures on Public Waters." Proposed changes

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included revising standard requirements for all docks to specify minimum offset from adjoining properties; posting the 911 address on a dock instead of the owner's name; establishing a limit of three boat hoists and total maximum area of 1200 square feet instead of more detailed criteria; adding general permits for "common docks" serving two single-family residences; requiring notice and public hearings for permitting certain proposed multiresidence docks and commercial docks; requiring that commercial dock use is consistent with zoning of the shoreline property; requiring commercial dock permittees to enter into an agreement to lease the use of the public lakebed or riverbed, with fees phased in over three years and based on space used for the operation above a threshold area of 1200 square feet; delegating political subdivisions limited authority to allow docks extending from shoreline property that the subdivisions own or control; requiring that application fees for individual private dock permits remain at \$125 for five years, payable at the time of application; setting application fees for multiresidence dock complexes and commercial docks at \$250; establishing new criteria for dock management areas; setting procedures and priorities for assigning dock permits in dock management areas; and generally doubling fees for dock management area permits.

A series of six regional public "workshop" meetings were held to collect public input into the development of the rules. The Notice was published to solicit comments and to provide opportunities for regional hearings concerning the proposed rules. Through the first two public meetings at Spirit Lake and Clear Lake, it was learned that the proposed fee schedule had some unintended consequences in terms of costs to commercial dock owners. Public comments opposed to these fees and other issues within the proposed rules were received. After the meeting of the Administrative Rules Review Committee (ARRC) and listening to the comments of the stakeholders present at the ARRC meeting on July 12, 2005, the Department decided the best course of action was to terminate this rule making. Department staff will continue to work with stakeholders to review and revise the proposed dock rules and will come forward with a new notice in the near future.

ARC 4461B**NATURAL RESOURCE
COMMISSION[571]****Notice of Termination**

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on June 8, 2005, as **ARC 4243B**, proposing to rescind Chapter 18, "Rental Fee Schedule for State-Owned Property, Riverbed, Lakebed, and Waterfront Lands," Iowa Administrative Code.

The Notice proposed to adopt a new Chapter 18, "Leases of State-Owned or Dedicated Public Property." The proposed chapter was intended to establish new procedures for determining lease fees derived from the assessed value of the adjoining private property, the size of the leased area, the limited market for the lease and similar relevant factors; to clarify the scope and appeal procedures; to establish a one-time license alternative for minimal encroachments; and to set a fee of \$300 for the cost of review of a lease application.

The Notice was published to solicit comments and to provide opportunities for regional hearings concerning the proposed rules. During the two public meetings at Spirit Lake and Clear Lake, it was learned that the proposed fee schedule had some unintended consequences in terms of costs to commercial dock owners. Public comments opposed to these fees and to other issues within the proposed rules were received. After the meeting of the Administrative Rules Review Committee (ARRC) and listening to the comments of the stakeholders present at the ARRC meeting on July 12, 2005, the department decided the best course of action was to terminate this rule making. Department staff will continue to work with stakeholders to review and revise the proposed dock rules and will come forward with a new notice in the near future.

ARC 4462B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to rescind Chapter 61, "State Parks and Recreation Areas," and adopt new Chapter 61 with the same title, and rescind Chapter 62, "State Forest Camping," Iowa Administrative Code, and adopt new Chapter 62 with the same title.

These amendments accomplish the following:

1. Rescind 571—Chapters 61 and 62 and replace them with a new version of each chapter. The Department is implementing a centralized reservation system to take reservations for camping and rental facilities. Currently all camping is on a first-come, first-served basis with no reservations accepted. Policies and procedures must be set in order to administer a centralized reservation system. These chapters were restructured for organizational purposes to include the centralized reservation system components. The new chapters also include some additional rental facility fees and changes to other items currently found in the rules.
2. Provide definitions for "call center," "centralized reservation system," "reservation transaction fees" and "reservation window."
3. Clarify the definition for "chaperoned, organized youth groups."
4. Eliminate the definition of "winter season."
5. Adopt by reference the manual titled "Centralized Reservation System Business Rules for Iowa State Parks, Recreation Areas and State Forest Campgrounds," dated January 1, 2006, which sets operating procedures and policies for the administration of reservations of camping and rental facilities through the centralized reservation system.
6. Establish the methods persons use to make a reservation (telephone and Internet).
7. Establish new reservation transactions fees associated with making a reservation (\$4 for Internet reservations and

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\$6 for telephone reservations), changing a reservation (\$5), and canceling a reservation (\$10).

8. Designate that rental facilities and all campgrounds will be on the reservation system with the following exceptions: A.A. Call, Ft. Defiance and Preparation Canyon State Park campgrounds, backpack campsites in state forests and Springbrook group camp located at the Conservation Education Center.

9. Establish that 50 percent of total campsites available in each campground will be included in the reservation system. The determination of which campsites will be reservable will be the responsibility of park staff in each park. Selection will be based on a combination of electric, non-electric and sewer/water hook-ups and will also take into consideration campsite characteristics (such as size, location, shade).

10. Establish reservation windows for persons to make reservations for camping and rental facilities. A "3-month up to 2-days prior to arrival window" will be established for camping and a "12-month up to 4-days prior to arrival window" will be established for rental facilities during the main recreation season, and a "12-month up to 14-days prior to arrival window" will be established for rental facilities in the off season.

11. Establish a peak season and off season in all parks when camping fee rates change based on when water is available and eliminate the extended peak season for some parks.

12. Eliminate the fee for extra persons on a campsite and create a provision to allow families that have more than six immediate family members the ability to camp on a campsite as long as they do not exceed the number of units allowed on a site.

13. Eliminate the fee for extra vehicles in the campground and establish a rule allowing for one extra vehicle unless posted otherwise in the campground.

14. Provide clarification to some camping registration rules for first-come, first-served camping on unreservable and reservable campsites.

15. Establish a rule regarding the use of regular campsites by chaperoned, organized youth groups.

16. Clarify check-in and check-out times for first-come, first-served campsites and reservable campsites.

17. Update the hitching rail occupancy requirement at Brushy Creek and establish a provision that campers must pay for an additional site if they use the site to hitch up horses.

18. Eliminate the reference to campers and camping in the rule for Mines of Spain which established a closing and opening time for that area.

19. Establish the rental fee for Black Hawk rental cabin of \$100 per night and \$600 per week based on similar cabins in other parks.

20. Establish the rental fee for Brushy Creek equestrian camping cabins of \$40 per night and \$240 per week.

21. Establish the rental fee of \$70 for the new beach lodge facility at Lake Macbride.

22. Clarify that all reservations for group camping at the Conservation Education Center shall be handled through the education center.

23. Change "park manager" references to "park staff" throughout 571—Chapter 61.

24. Change the rental week for cabins to Friday to Friday (currently Saturday to Saturday).

25. Place reservation procedures for rental facilities in the "Centralized Reservation System Business Rules for Iowa State Parks, Recreation Areas and State Forest Campgrounds" manual dated January 1, 2006.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 27, 2005. Such written materials should be directed to the State Parks Bureau, Department of Natural Resources, 502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)242-6233 or TDD (515)242-5967 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

A public hearing utilizing the ICN will be conducted at the following ICN sites on September 27, 2005, at 6:30 p.m. at which time persons may present their views either orally or in writing.

DMACC Boone Campus
Room # 117 & 118
1125 Hancock Drive
Boone, Iowa
Boone County

Chariton High School
Room 116
501 N. Grand
Chariton, Iowa
Lucas County

Green Valley AEA
Agency 14, Turner Room
1405 N. Lincoln
Creston, Iowa
Union County

Fort Dodge High School
Room 12
819 N. 25th Street
Fort Dodge, Iowa
Webster County

Cedar Falls AEA (267)
3712 Cedar Heights Dr.
Cedar Falls, Iowa
Black Hawk County

Clear Lake AEA Reg. Office
State Room
9184B 265th Street
Clear Lake, Iowa
Cerro Gordo County

Saydel High School
Room 300
5601 NE 7th Street
Des Moines, Iowa
Polk County

Fayette Community Library
104 W. State Street
Fayette, Iowa
Fayette County

Kirkwood Community College
Bldg. 32A, Kirkwood Farm
6301 Kirkwood Blvd. SW
Cedar Rapids, Iowa
Linn County

Education Services Center Adm.
12 Scott Street
Council Bluffs, Iowa
Pottawattamie County

Elk Horn-Kimballton High School
Room 4
4114 Madison Street
Elk Horn, Iowa
Shelby County

Western Dubuque High School
Room 101
5th Avenue West
Epworth, Iowa
Dubuque County

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Northeast High School
3690 Highway 136
Goose Lake, Iowa
Clinton County

University of Iowa
North Hall, Room 107
End of N. Madison Street
Iowa City, Iowa
Johnson County

Van Buren High School
405 4th Street
Keosauqua, Iowa
Van Buren County

Knoxville High School
Room 125
1811 W. Madison
Knoxville, Iowa
Marion County

Red Oak High School
Room 304
2011 N. 8th Street
Red Oak, Iowa
Montgomery County

Muscatine Community College
Larson Hall, Room 60
152 Colorado Street
Muscatine, Iowa
Muscatine County

Spirit Lake High School
Distance Learning Center
2701 Hill Avenue
Spirit Lake, Iowa
Dickinson County

WACO High School
611 N. Pearl
Wayland, Iowa
Henry County

Central Campus Ind. Learning Center
1121 Jackson Street
Sioux City, Iowa
Woodbury County

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend a public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These rules are intended to implement Iowa Code sections 422.43, 455A.4, 461A.3, 461A.3A, 461A.35, 461A.38, 461A.39, 461A.42, 461A.43, 461A.45 to 461A.51, 461A.57, and 723.4 and Iowa Code chapter 724.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Rescind 571—Chapter 61 and adopt the following **new** chapter in lieu thereof:

CHAPTER 61

STATE PARKS AND RECREATION AREAS

571—61.1(461A) Applicability. This chapter is applicable to all state-owned parks and recreation areas managed by the department of natural resources and by political subdivisions unless otherwise noted.

571—61.2(461A) Definitions.

“Bank or shoreline” means the zone of contact of a body of water with the land and an area within 25 feet of the water's edge.

“Basic unit” or “basic camping unit” means the portable shelter used by one to six persons.

“Beach” is as defined in rule 571—64.1(461A).

“Beach house open shelter” means a building located on the beach which is open on two or more sides and which may or may not have a fireplace.

“Cabin” means a small, one-story dwelling of simple construction which is available for rental on a daily or weekly basis.

“Call center” means a phone center where operators process all telephone reservations, reservation changes and reservation cancellations for camping and rental facilities.

“Camping” means the erecting of a tent or shelter of natural or synthetic material or placing a sleeping bag or other bedding material on the ground or parking a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

“Centralized reservation system” means a system that processes reservations using more than one method to accept reservations. Each method simultaneously communicates to a centralized database at a reservation contractor location to ensure that no campsite or rental facility is booked more than once.

“Chaperoned, organized youth group” means a group of persons 17 years of age and under, which is sponsored by and accompanied by adult representatives of a formal organization including, but not limited to, the Boy Scouts of America or Girl Scouts of America, a church, or Young Men's or Young Women's Christian Association. “Chaperoned, organized youth group” does not include families of members of a formal organization.

“Fishing” means taking or attempting to take fish by utilizing hook, line and bait as defined in Iowa Code section 481A.72, or use of permitted devices for taking rough fish as determined by Iowa Code sections 461A.42 and 481A.76.

“Free climbing” means climbing with the use of hands and feet only and without the use of ropes, pins and other devices normally associated with rappelling and rock climbing.

“Group camp” means those camping areas at Dolliver Memorial State Park, Springbrook State Park and Lake Keomah State Park where organized groups (i.e., family groups or youth groups) may camp. Dining hall facilities are available.

“Lodge” means a day-use building which is enclosed on all four sides and may have kitchen facilities such as a stove or refrigerator and which is available for rent on a daily basis. “Lodge” does not include buildings that are open on two or more sides and that contain fireplaces only.

“Modern area” means a camping area which has showers and flush toilets.

“Nonmodern area” means a camping area in which no showers are provided and which contains only pit-type latrines or flush-type toilets. Potable water may or may not be available to campers.

“Open shelter” means a building which is open on two or more sides and which may or may not include a fireplace.

“Organized youth group campsite” means a designated camping area within or next to the main campground where chaperoned, organized youth groups may camp.

“Persons with disabilities parking permit” means an identification device bearing the international symbol of accessibility issued by the Iowa department of transportation or similar devices issued by other states. The device can be a hanging device or on a motor vehicle as a plate or sticker as provided in Iowa Code section 321L.2 or 321L.9.

“Person with physical disability” means an individual, commonly termed a paraplegic or quadriplegic, with paralysis or a physical condition of the lower half of the body with

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the involvement of both legs, usually due to disease or injury to the spinal cord; a person who is a single or double amputee of the legs; or a person with any other physical affliction which makes it impossible to ambulate successfully in park or recreation area natural surroundings without the use of a wheeled conveyance.

“Possession” means exercising dominion or control with or without ownership over property.

“Prohibited activity” means any activity other than fishing as defined in this chapter including, but not limited to, picnicking and camping.

“Property” means personal property such as goods, money, or domestic animals.

“Recreation areas” means the following areas that have been designated by action of the natural resource commission:

<u>Area</u>	<u>County</u>
Badger Creek Recreation Area	Madison
Brushy Creek Recreation Area	Webster
Claire Wilson Park	Dickinson
Emerson Bay and Lighthouse	Dickinson
Fairport Recreation Area	Muscatine
Lower Gar Access	Dickinson
Marble Beach	Dickinson
Mines of Spain Recreation Area	Dubuque
Pioneer Recreation Area	Mitchell
Pleasant Creek Recreation Area	Linn
Templar Park	Dickinson
Volga River Recreation Area	Fayette
Wilson Island Recreation Area	Pottawattamie

These areas are managed for multiple uses, including public hunting, and are governed by rules established in this chapter as well as in 571—Chapters 52 and 105.

“Refuse” means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid or solid waste or other discarded material.

“Rental facilities” means those facilities that may be rented on a daily or nightly basis and includes open shelters, open shelters with kitchenettes, beach house open shelters, lodges, cabins, yurts and group camps.

“Reservation transaction fees” means fees charged by the department to process a reservation, change a reservation or cancel a reservation.

“Reservation window” means a rolling period of time in which a person may reserve a campsite or rental facility.

“Scuba diving” means swimming with the aid of self-contained underwater breathing apparatus.

“Special event” means any planned event for which attendance is solicited through advertising, invitation, or other solicitation and that may interfere with the general public’s normal use of a state park or recreation area and its facilities.

“State park” means the following areas managed by the state and designated by action of the natural resource commission:

<u>Area</u>	<u>County</u>
A. A. Call	Kossuth
Backbone	Delaware
Banner Lakes at Summerset	Warren
Beed’s Lake	Franklin
Bellevue	Jackson
Big Creek	Polk
Black Hawk	Sac
Cedar Rock	Buchanan
Clear Lake	Cerro Gordo
Dolliver Memorial	Webster
Elinor Bedell	Dickinson
Elk Rock	Marion

Fort Atkinson
Fort Defiance
Geode
George Wyth
Green Valley
Gull Point
Honey Creek
Lacey-Keosauqua
Lake Ahquabi
Lake Anita
Lake Darling
Lake Keomah
Lake Macbride
Lake Manawa
Lake of Three Fires
Lake Wapello
Ledges
Lewis and Clark
Maquoketa Caves
McIntosh Woods
Mini-Wakan
Nine Eagles
Okamanpedan
Palisades-Kepler
Pikes Peak
Pikes Point
Pilot Knob
Pine Lake
Prairie Rose
Preparation Canyon
Red Haw
Rice Lake
Rock Creek
Shimek Forest Campground
Springbrook
Stephens Forest Campground
Stone

Trapper’s Bay
Twin Lakes
Union Grove
Viking Lake
Walnut Woods
Wanata
Wapsipinicon
Waubonsie
Wildcat Den
Yellow River Forest
Campground

Winneshiek
Emmet
Henry and Des Moines
Black Hawk
Union
Dickinson
Appanoose
Van Buren
Warren
Cass
Washington
Mahaska
Johnson
Pottawattamie
Taylor
Davis
Boone
Monona
Jackson
Cerro Gordo
Dickinson
Decatur
Emmet
Linn
Clayton
Dickinson
Winnebago
Hardin
Shelby
Monona
Lucas
Winnebago
Jasper
Lee
Guthrie
Lucas
Plymouth and
Woodbury
Dickinson
Calhoun
Tama
Montgomery
Polk
Clay
Jones
Fremont
Muscatine

Allamakee

Use and management of these areas are governed by Iowa Code chapter 461A and by other restrictions prescribed on area signs pursuant to Iowa Code section 461A.44.

“State park managed by another governmental entity” means the following areas designated by action of the natural resource commission:

<u>Area</u>	<u>County</u>
Bobwhite	Wayne
Browns Lake-Bigelow Park	Woodbury
Cold Springs	Cass
Crystal Lake	Hancock
Eagle Lake	Hancock
Echo Valley	Fayette
Frank A. Gotch	Humboldt
Galland School	Lee
Heery Woods	Butler
Kearny	Palo Alto

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Lake Cornelia
 Lake Odessa Campground
 Margo Frankel Woods
 Mill Creek
 Oak Grove
 Oakland Mills
 Pammel
 Pioneer
 Sharon Bluffs
 Silver Lake
 Spring Lake
 Swan Lake

Wright
 Louisa
 Polk
 O'Brien
 Sioux
 Henry
 Madison
 Mitchell
 Appanoose
 Delaware
 Greene
 Carroll

Marietta Sand Prairie
 Mericle Woods
 Merrill A. Stainbrook
 Merritt Forest
 Montauk Historical Site
 Mossy Glen
 Mount Talbot

Marshall
 Tama
 Johnson
 Clayton
 Fayette
 Clayton
 Woodbury and
 Plymouth

Mt. Pisgah Cemetery
 Nestor Stiles
 Ocheyedon Mound
 Old State Quarry
 Palisades-Dows
 Pecan Grove
 Pellett Memorial Woods
 Pilot Grove
 Pilot Knob
 Retz Memorial Woods
 Roberts Creek
 Rock Creek Island
 Rock Island Botanical
 Roggman Boreal Slopes
 Rolling Thunder Prairie
 Savage Memorial Woods
 Searryl's Cave
 Sheeder Prairie
 Silver Lake Fen
 Silvers-Smith Woods
 Slindle Mounds
 St. James Lutheran Church
 Starr's Cave
 Steele Prairie
 Stinson Prairie
 Strasser Woods
 Sylvan Runkel
 Toolesboro Mounds
 Turin Loess Hills
 Turkey River Mounds
 White Pine Hollow
 Williams Prairie
 Wittrock Indian Village
 Woodland Mounds
 Woodman Hollow
 Woodthrush Woods

Union
 Cherokee
 Osceola
 Johnson
 Linn
 Muscatine
 Cass
 Iowa
 Hancock
 Clayton
 Clayton
 Cedar
 Linn
 Clayton
 Warren
 Henry
 Jones
 Guthrie
 Dickinson
 Dallas
 Allamakee
 Winneshiek
 Des Moines
 Cherokee
 Kossuth
 Polk
 Monona
 Louisa
 Monona
 Clayton
 Dubuque
 Johnson
 O'Brien
 Warren
 Webster
 Jefferson

Use and management of these areas are governed by Iowa Code chapter 461A, by this chapter, and by rules adopted by the managing entity.

"State preserve" means the following areas or portion of the areas designated by action of the natural resource commission and state preserves advisory board:

Area
 A. F. Miller
 Ames High Prairie
 Anderson Prairie
 Behrens Ponds and Woodland
 Berry Woods
 Bird Hill
 Bixby
 Bluffton Fir Stand
 Brush Creek Canyon
 Brushy Creek
 Cameron Woods
 Casey's Paha
 Catfish Creek
 Cayler Prairie
 Cedar Bluffs Natural Area
 Cedar Hills Sand Prairie
 Cheever Lake
 Clay Prairie
 Claybanks Forest
 Coldwater Cave
 Crossman Prairie
 Decorah Ice Cave
 Derald Dinesen Prairie
 Doltle Prairie
 Fallen Rock
 Fish Farm Mounds
 Five Ridge Prairie
 Fleming Woods
 Fort Atkinson
 Freda Haffner Kettlehole
 Gitchie Manitou
 Hanging Bog
 Hardin City Woodland
 Hartley Fort
 Hayden Prairie
 Hoffman Prairie
 Indian Bluffs Primitive Area
 Indian Fish Trap
 Kalsow Prairie
 Kish-Ke-Kosh
 Lamson Woods
 Liska-Stanek Prairie
 Little Maquoketa River Mounds
 Malanaphy Springs
 Malchow Mounds
 Manikowski Prairie
 Mann Wilderness Area

County
 Bremer
 Story
 Emmet
 Linn
 Warren
 Cerro Gordo
 Clayton
 Winneshiek
 Fayette
 Webster
 Scott
 Tama
 Dubuque
 Dickinson
 Mahaska
 Black Hawk
 Emmet
 Butler
 Cerro Gordo
 Winneshiek
 Howard
 Winneshiek
 Shelby
 Story
 Hardin
 Allamakee
 Plymouth
 Poweshiek
 Winneshiek
 Dickinson
 Lyon
 Linn
 Hardin
 Allamakee
 Howard
 Cerro Gordo
 Jones
 Iowa
 Pocahontas
 Jasper
 Jefferson
 Webster
 Dubuque
 Winneshiek
 Des Moines
 Clinton
 Hardin

Use and management of these areas are governed by rules established in this chapter as well as by management plans adopted by the preserves advisory board.

"Swim" or "swimming" means to propel oneself in water by natural means, such as movement of limbs, and includes but is not limited to wading and the use of inner tubes or beach toy-type swimming aids.

"Yurt" means a one-room circular fabric structure built on a platform which is available for rental on a daily or weekly basis.

571—61.3(461A) Establishment of centralized reservation system operating procedures and policies. The department shall establish a centralized reservation system to accept and process reservations for camping and rental facilities in state parks, recreation areas and state forest campgrounds.

61.3(1) Centralized reservation system business rules manual. The department shall adopt by reference the manual titled "Centralized Reservation System Business Rules for Iowa State Parks, Recreation Areas and State Forests," dated January 1, 2006, which sets procedures and policies for the

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administration of reservations of campsites and rental facilities through the centralized reservation system.

61.3(2) Recreation facilities available on centralized reservation system.

a. Rental facilities. All rental facilities will be available on the centralized reservation system with the exception of the group camp at Springbrook State Park.

b. Campgrounds.

(1) All campgrounds will be available on the centralized reservation system except for the campgrounds at A. A. Call State Park, Fort Defiance State Park and Preparation Canyon State Park and the backpack campsites located in state forests.

(2) Fifty percent of the total number of campsites in each individual campground shall be designated as reservable sites on the reservation system. The determination of which campsites shall be included in the 50 percent reservable designation shall be the responsibility of the park staff in each park. Park staff shall include a combination of electric, non-electric and sewer/water sites while taking into consideration campsite characteristics such as location, shade, and size. The department shall review the percentage of reservable sites and usage on a biennial basis and determine whether the percentage of reservable campsites should be changed.

(3) All designated chaperoned, organized youth group campsites and handicapped-accessible campsites shall be included in the reservation system.

61.3(3) Methods available to make reservations. Persons may make reservations by telephone through the call center or through the Internet using the reservation system Web site.

61.3(4) Reservation transaction fees.

a. Reservation fee. A nonrefundable reservation fee shall be charged for each reservation made per campsite or rental facility regardless of the length of stay. This one-time fee is in addition to the camping fees or rental fees established in subrules 61.4(1) and 61.5(1). The reservation fee varies depending upon the method used when the reservation is made.

(1) Internet reservation — \$4 + 3 percent credit card processing fee (if applicable).

(2) Telephone reservation — \$6 + 3 percent credit card processing fee (if applicable).

b. Change fee. A change fee of \$5 + 3 percent credit card processing fee (if applicable) shall be charged to change an existing reservation.

c. Cancellation fee. A cancellation fee of \$10 shall be charged to cancel a reservation.

61.3(5) Reservation window.

a. Camping. The reservation window for campsite reservations is a rolling period of time from 3 months to 2 days prior to the arrival date in which a person may make a reservation.

b. Rental facilities.

(1) Rentals for May 1 to September 30. The reservation window for rental facilities is a rolling period of time from 12 months to 4 days prior to the arrival date in which a person may make a reservation.

(2) Rentals for October 1 to April 30. The reservation window for rental facilities is a rolling period of time from 12 months to 14 days prior to the arrival date in which a person may make a reservation.

571—61.4(461A) Camping.

61.4(1) Fees. The following are maximum per-night fees for camping in state parks and recreation areas. The fees may be reduced or waived by the director for special events or special promotional efforts sponsored by the department of natural resources. Special events or promotional efforts shall be conducted so as to give all park facility users equal opportunity to take advantage of reduced or waived fees. Reductions or waivers shall be on a statewide basis covering like facilities. In the case of promotional events, prizes shall be awarded by random drawing of registrations made available to all park visitors during the event. In areas subject to a local option sales tax, the camping fee shall be administratively adjusted so that persons camping in those areas will pay the same total cost applicable in other areas.

	<u>Fee</u>	<u>Sales Tax</u>	<u>Total Per Night</u>
a. The following fees shall be in effect from May 1 to September 30 each year.			
Nonmodern	\$ 8.57	.43	\$ 9.00
Modern	10.48	.52	11.00
b. The following fees shall be in effect from October 1 to April 30 each year.			
Nonmodern	5.71	.29	6.00
Modern	7.62	.38	8.00
c. Electricity	4.76	.24	5.00
This fee will be charged in addition to the camping fee on sites where electricity is available (whether it is used or not).			
d. Chaperoned, organized youth group campsite, per group	14.29	.71	15.00
e. Cable television hookup	1.90	.10	2.00
f. Sewer and water hookup	2.85	.15	3.00
g. Additional fee for campgrounds designated for equestrian use.	2.85	.15	3.00
This fee is in addition to applicable fees listed above.			
h. Camping tickets (per book of seven)	86.67	4.33	91.00

Camping tickets shall be valid for one year from the month of purchase. Persons using valid camping tickets purchased prior to any fee increase will not be required to pay the difference due to that fee increase.

61.4(2) Varying fees. Fees charged for like services in state-owned areas under management by political subdivisions may vary from those established by this chapter.

61.4(3) Procedures for camping registration.

a. Registration.

(1) Registration of walk-in campers occupying non-reservable campsites or unrented, reservable campsites will be on a first-come, first-served basis and will be handled by a

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self-registration process. Registration forms will be provided by the department of natural resources. Campers shall, within one-half hour of arrival at the campground, complete the registration form, place the appropriate fee or number of camping tickets in the envelope and place the envelope in the depository provided by the department of natural resources. One copy must then be placed in the holder provided at the campsite.

(2) Park staff shall complete the registration of campers with reservations and place the registration in the campsite holder prior to the campers' arrival.

b. Campsites are considered occupied and registration for a campsite shall be considered complete when the requirements of 61.4(3)"a" have been met.

c. Campsite registration must be in the name of a person 18 years of age or older who will occupy the camping unit on that site for the full term of the registration.

d. Each camping ticket as provided in 61.4(1)"h" shall cover the cost of one night of camping in a modern area on a site where electricity is furnished. In addition to using the camping ticket, persons camping on equestrian sites or on sites which also have sewer and water hookups or cable television hookups available must pay the additional charges for these services. Use of a camping ticket in an area or on a site which would require a lesser fee than an electrical site in a modern area will not entitle the user to a refund or credit of any kind.

61.4(4) Designated youth group campsite registration.

a. Registration procedures for designated youth group campsites shall be governed by paragraphs "a," "b" and "c" of 61.4(3).

b. Chaperoned, organized youth groups may choose to occupy campsites not designated as organized youth group campsites. However, the group is subject to all fees and rules in 61.4(1), 61.4(3) and 61.4(5) pertaining to the campsite the group wishes to occupy.

61.4(5) Restrictions on campsite/campground use. This subrule sets forth conditions of public use which apply to all state parks and recreation areas. Specific areas as listed in 61.4(6), 61.7(461A) and 61.10(461A) are subject to additional restrictions or exceptions. The conditions in this subrule are in addition to specific conditions and restrictions set forth in Iowa Code chapter 461A.

a. Camping is restricted to designated camping areas within state parks and recreation areas and state forest campgrounds.

b. Camping is restricted to one basic unit per site except that a small tent may be placed on a site with the basic unit so long as the persons occupying the tent are under 18 years of age and are dependent members of the immediate family occupying the basic unit. The area occupied by the small tent shall be no more than 8 feet by 10 feet in size and the tent shall hold no more than four people.

Families that exceed six persons may be allowed on one campsite if all members are immediate family and cannot logically be split to occupy two campsites. One basic unit will be allowed on the site except that a small tent may be placed on a site with the basic unit so long as the persons occupying the tent are under 18 years of age and are dependent members of the immediate family occupying the basic unit. The area occupied by the small tent shall be no more than 8 feet by 10 feet in size and the tent shall hold no more than four people.

c. Each camping group shall utilize only the electrical outlet fixture designated for its particular campsite. No extension cords or other means of hookup shall be used to furnish electricity from one designated campsite to another.

d. Each camping group will be permitted to park one motor vehicle not being used for camping purposes at the campsite. Unless otherwise posted, one additional vehicle may be parked at the campsite.

e. All motor vehicles, excluding motorcycles, not covered by the provision in 61.4(5)"d" shall be parked in designated extra-vehicle parking areas.

f. Campers occupying nonreservable campsites or unrented, reservable campsites shall register as provided in subrule 61.4(3) within one-half hour of entering the campground.

g. Campers occupying nonreservable campsites shall vacate the campground or register for the night prior to 4 p.m. daily. Registration can be for more than 1 night at a time but not for more than 14 consecutive nights for nonreservable campsites. All members of the camping party must vacate the state park campground after the fourteenth night and may not return to the state park or recreation area until a minimum of 3 nights has passed. All equipment must be removed from the site at the end of each stay. The 14-night limitation shall not apply to volunteers working under a department of natural resources program.

h. Walk-in campers shall not occupy unrented, reservable campsites until 10 a.m. on the first camping day of the stay. Campers shall vacate the campground by 2 p.m. of the last day of their stay. Registration shall be limited to two nights. Campers may continue to register after the first two nights on a night-to-night basis up to a maximum of 14 consecutive nights, subject to campsite availability. All members of the camping party must vacate the state park or recreation area campground after the fourteenth night and may not return to the state park or recreation area until a minimum of 3 nights has passed. All equipment must be removed from the site at the end of each stay. The 14-night limitation shall not apply to volunteers working under a department of natural resources program.

i. Campers with reservations shall not occupy a campsite before 4 p.m. of the first day of their stay. Campers shall vacate the site by 2 p.m. of the last day of their stay. Campers may register for more than 1 night at a time but not for more than 14 consecutive nights. All members of the camping party must vacate the state park campground after the fourteenth night and may not return to the state park or recreation area until a minimum of 3 nights has passed. All equipment must be removed from the site at the end of each stay. The 14-night limitation shall not apply to volunteers working under a department of natural resources program.

j. Campsites marked with the international symbol of accessibility shall be used only by vehicles displaying a persons with disabilities parking permit. The vehicle must be in use by a person with a disability, either as an operator or a passenger.

k. In designated campgrounds, equine animals and llamas must be stabled at a hitching rail, individual stall or corral if provided. Equine animals and llamas may be hitched to trailers for short periods of time to allow for grooming and saddling. These animals may be stabled inside trailers where no hitching facilities are provided. Portable stalls/pens and electric fences are not permitted.

61.4(6) Area-specific restrictions on campground use. In addition to the general conditions of public use set forth in 61.4(5) and 61.5(461A), special conditions shall apply to specific areas listed as follows:

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a. Brushy Creek Recreation Area, Webster County.

(1) In the designated equestrian campgrounds, the maximum number of equine animals to be tied to the hitching rails is six. Persons with a number of equine animals in excess of the number permitted on the hitching rail at their campsite shall be allowed to stable their additional animals in a trailer or register and pay for an additional campsite if available.

(2) In the designated equestrian campgrounds, equine animals may be tied to trailers for short periods of time to allow grooming or saddling; however, the tying of equine animals to the exterior of trailers for extended periods of time or for stabling is not permitted.

b. Recreation area campgrounds. Access into and out of designated campgrounds shall be permitted from 4 a.m. to 10:30 p.m. From 10:30 p.m. to 4 a.m., only registered campers are permitted in and out of the campgrounds.

c. Lake Manawa State Park, Pottawattamie County. Except for the following limitations on campground length of stay, campsite use restrictions as stated in 61.4(5) shall apply to Lake Manawa. Campers may register for more than 1 night at a time but not for more than 14 consecutive nights. No person may camp at the Lake Manawa campground for more than 14 nights in any 30-day period.

d. Walnut Woods State Park, Polk County. Except for the following limitations on campground length of stay, campsite use restrictions as stated in 61.4(5) shall apply to Walnut Woods. Campers may register for more than 1 night at a time but not for more than 14 consecutive nights. No person may camp at the Walnut Woods campground for more than 14 nights in any 30-day period.

61.4(7) Campground fishing. Rule 61.11(461A) is not intended to prohibit fishing by registered campers who fish from the shoreline within the camping area.

571—61.5(461A) Rental facilities. The following are maximum fees for facility use in state parks and recreation areas. The fees may be reduced or waived by the director for special events or special promotional efforts sponsored by the department of natural resources. Special events or promotional efforts shall be conducted so as to give all park facility users equal opportunity to take advantage of reduced or waived fees. Reductions or waivers shall be on a statewide basis covering like facilities. In the case of promotional events, prizes shall be awarded by random drawing of registrations made available to all park visitors during the event.

61.5(1) Fees.

a. Cabin rental. This fee does not include tax. Tax will be calculated at time of payment.

	<u>Per Night*</u>	<u>Per Week</u>
Backbone State Park, Delaware County		
Renovated modern cabins	\$ 50	\$300
Two-bedroom modern cabins	85	510
Deluxe cabins	100	600
Black Hawk, Sac County	100	600
Brushy Creek State Recreation Area, Webster County		
Nonequestrian camping cabins	35	210
Equestrian camping cabins	40	240
Dolliver Memorial State Park, Webster County	35	210
Green Valley State Park, Union County	35	210
Honey Creek State Park, Appanoose County	35	210
Lacey-Keosauqua State Park, Van Buren County	50	300
Lake Darling State Park, Washington County	35	210
Lake of Three Fires State Park, Taylor County	50	300
Lake Wapello State Park, Davis County (Cabin Nos. 1-12)	60	360
Lake Wapello State Park, Davis County (Cabin No. 13)	85	510
Lake Wapello State Park, Davis County (Cabin No. 14)	75	450
Palisades-Kepler State Park, Linn County	50	300
Pine Lake State Park, Hardin County		
Studio cabins (four-person occupancy limit)	65	390
One-bedroom cabins	75	450
Pleasant Creek State Recreation Area, Linn County	25	150
Springbrook State Park, Guthrie County	35	210
Stone State Park, Woodbury County	35	210
Wilson Island State Recreation Area, Pottawattamie County	25	150
Extra cots, where available	1	

*Minimum two nights

b. Yurt rental. This fee does not include tax. Tax will be calculated at time of payment.

	<u>Per Night*</u>	<u>Per Week</u>
McIntosh Woods State Park, Cerro Gordo County	\$ 35	\$210

*Minimum two nights

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c. Lodge rental per reservation. This fee does not include tax. Tax will be calculated at time of payment.

	<u>Per Weekday</u> <u>M-Th***</u>	<u>Per Weekend Day</u> <u>Fr-Su</u>
A. A. Call State Park, Kossuth County	\$ 40	\$ 80
Backbone State Park Auditorium, Delaware County**	25	50
Backbone State Park, Delaware County	62.50	125
Beed's Lake State Park, Franklin County	40	80
Bellevue State Park-Nelson Unit, Jackson County	50	100
Clear Lake State Park, Cerro Gordo County	50	100
Dolliver Memorial State Park-Central Lodge, Webster County**	30	60
Dolliver Memorial State Park-South Lodge, Webster County	37.50	75
Ft. Defiance State Park, Emmet County	35	70
George Wyth State Park, Black Hawk County**	35	70
Gull Point State Park, Dickinson County	100	200
Lacey-Keosauqua State Park, Van Buren County	35	70
Lake Ahquabi State Park, Warren County	45	90
Lake Keomah State Park, Mahaska County	45	90
Lake Macbride State Park, Johnson County		
Beach Lodge	35	70
Lodge	35	70
Lake of Three Fires State Park, Taylor County	35	70
Lake Wapello State Park, Davis County	30	60
Lewis and Clark State Park, Monona County	35	70
Palisades-Kepler State Park, Linn County	87.50	175
Pine Lake State Park, Hardin County	40	80
Pleasant Creek Recreation Area, Linn County**	37.50	75
Stone State Park, Woodbury/Plymouth Counties	62.50	125
Viking Lake State Park, Montgomery County	30	60
Walnut Woods State Park, Polk County	100	200
Wapsipinicon State Park, Jones County		
Heated year-round lodge	35	70
Unheated seasonal lodge	20	40

**Does not contain kitchen facilities

***The weekend day fee applies to New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas, even though the holiday may fall on a weekday.

d. Open shelter reservation, \$25 plus applicable tax.

e. Reservation for open shelter with kitchen, \$75 plus applicable tax.

f. Beach house open shelter reservation, \$40 plus applicable tax.

Lake Ahquabi State Park, Warren County

Lake Wapello State Park, Davis County

Pine Lake State Park, Hardin County

Springbrook State Park, Guthrie County

g. Group camp rental. This fee does not include tax. Tax will be calculated at time of payment.

(1) Dolliver Memorial State Park, Webster County. Rental includes use of restroom/shower facility at Dolliver Memorial State Park.

1. Chaperoned, organized youth groups—\$2 per day per person with a minimum charge per day of \$60.

2. Other groups—\$15 per day per cabin plus \$30 per day for the kitchen and dining facility.

(2) Lake Keomah State Park, Mahaska County. All groups—\$40 per day for the dining/restroom facility plus the applicable camping fee. Lake Keomah dining/restroom facility day use only rental \$90.

h. Springbrook State Park conservation education center rental. The conservation education center may be rented as a group camp facility or as an educational group facility. All rentals shall be handled through staff at the education center.

(1) Linen service. Linen service includes bedding, pillows, towels and washcloths. The linen service fee stated below shall be charged. School groups are required to use the linen service. All other groups may elect to use the linen service.

(2) Concessionaire. All groups that utilize the classroom building and use education center staff for programs must use the concessionaire for all meals. All other groups may elect to use the kitchenette at the fee stated below or use the concessionaire or a combination of both.

(3) Classroom. All day use groups not utilizing the entire conservation education center facilities must pay the appropriate classroom or library fee. Overnight groups wishing to use the classroom facility for non-conservation education activities (such as quilters' meetings or family reunions) must pay the appropriate classroom fee.

(4) Reservations. School groups and DNR camps may reserve the center three years in advance. All other groups may reserve the center a year in advance on a first-come, first-

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served basis. There is no reservation fee. Fees shall be paid upon arrival at the facility.

(5) Damage deposit. The damage deposit shall be paid on a separate instrument from the rental fee. School groups shall be exempt from this requirement.

(6) Day use attendance fee. A fee of \$5 per person per day plus applicable tax shall be charged to all day use groups and all persons associated with overnight groups attending day functions only when utilizing the entire conservation education center facilities and staff services.

(7) Overnight rental fees. These fees do not include tax. Tax will be calculated at time of payment.

1. Kindergarten through grade 12—\$5 per person per night.

2. Adults—\$15 per person per night.

3. Families—\$160 per dorm per night.

(8) Other services. These fees do not include tax. Tax will be calculated at time of payment.

1. Linen service—\$5 per person per night.

2. Family linen service—\$160 per dorm per night.

3. Kitchenette rental—\$30 per day or night.

4. Classroom rental—\$100 per day or night.

5. Library rental—\$50 per day or night.

6. Dining hall rental, day use only—\$100 per day.

7. Dining hall with kitchenette rental, day use only—\$130 per day.

(9) Damage deposit—\$50 per visit.

(10) Check-out times for dorms.

1. Monday-Saturday, 8 a.m.

2. Sunday, 9 a.m.

61.5(2) Varying fees. Fees charged for like services in state-owned areas under management by political subdivisions may vary from those established by this chapter.

61.5(3) Procedures for rental facility registration and rentals.

a. Registrations for all rental facilities must be in the name of a person 18 years of age or older who will be present at the facility for the full term of the reservation.

b. Rental stay requirements for cabins and yurts.

(1) Except as provided in subparagraph 61.5(3)“b”(2), cabin reservations must be for a minimum of one week (Friday p.m. to Friday a.m.) beginning the Friday of the national Memorial Day holiday weekend through Thursday after the national Labor Day holiday. From the Friday after the national Labor Day holiday through the Thursday before the national Memorial Day holiday weekend, cabins may be reserved for a minimum of two nights.

(2) The cabins at Dolliver Memorial State Park; the camping cabins at Brushy Creek, Pleasant Creek and Wilson Island State Recreation Areas and Green Valley, Honey Creek, Lake Darling and Stone State Parks; the yurts at McIntosh Woods State Park; and the group camps at Dolliver Memorial and Lake Keomah State Parks may be reserved for a minimum of two nights throughout the entire rental season.

(3) All unreserved cabins, yurts and group camps may be rented for a minimum of two nights on a walk-in, first-come, first-served basis. No walk-in rentals will be permitted after 6 p.m.

(4) Reservations or walk-in rentals for more than a two-week stay will not be accepted for any facility.

c. Persons renting cabins, yurts or group camp facilities must check in at or after 4 p.m. on Saturday. Check-out time is 11 a.m. or earlier on Saturday.

d. Persons renting facilities listed in subparagraph 61.5(3)“b”(2) must check in at or after 4 p.m. on the first day

of the two-night rental period. Check-out time is 11 a.m. or earlier on the last day of the two-night rental period.

e. Except by arrangement for late arrival with the park staff, no cabin, yurt or group camp reservation will be held past 6 p.m. on the first night of the reservation period if the person reserving the facility does not arrive. When arrangements for late arrival have been made, the person must appear prior to the park's closing time established by Iowa Code section 461A.46 or access will not be permitted to the facility until 8 a.m. the following day. Arrangements must be made with the park staff if next-day arrival is to be later than 9 a.m.

f. The number of persons occupying rental cabins is limited to six in cabins which contain one bedroom or less and eight in cabins with two bedrooms. Occupancy of the studio cabins at Pine Lake and all camping cabins is limited to four persons. Occupancy of the yurts is limited to four persons.

g. Except at parks or recreation areas with camping cabins or yurts, no tents or other camping units are permitted for overnight occupancy in the designated cabin area. One small tent shall be allowed at each cabin or yurt in the designated areas and is subject to the occupancy requirements of 61.4(5)“b.”

h. Open shelters and beach house open shelters which are not reserved are available on a first-come, first-served basis. If the open shelters with kitchenettes are not reserved, the open shelter portion of these facilities are available on a first-come, first-served basis.

i. Except by arrangement with the park staff in charge of the area, persons renting lodge, shelter, and beach house open shelter facilities and all guests shall vacate the facility by 10 p.m.

61.5(4) Damage deposits for all rental facilities.

a. Upon arrival for the rental facility period, renters shall pay in full a damage deposit in the amount of \$50.

b. Damage deposits will be refunded only after authorized personnel inspect the rental facility to ensure that the facility and furnishings are in satisfactory condition.

c. If it is necessary for department personnel to clean up the facility or repair any damage beyond ordinary wear and tear, a log of the time spent in such cleanup or repair shall be kept. The damage deposit refund shall be reduced by an amount equivalent to the applicable hourly wage of the employees for the time necessary to clean the area or repair the damage and by the cost of any repairs of furnishings.

d. The deposit is not to be construed as a limit of liability for damage to state property. The department may take legal action necessary to recover additional damages.

571—61.6(461A) Vessel storage fees. These fees do not include tax.

	<u>Maximum Fee</u>
Vessel storage space (wet or dry)	
Pontoon boats—eight months or less	\$150
Eight months or less (new docks)	200
Year-round	200
Year-round (new docks)	250
Other boats—eight months or less	125
Eight months or less (new docks)	150
Year-round	150
Year-round (new docks)	200

571—61.7(461A) Restrictions—area and use. This rule sets forth conditions of public use which apply to all state parks and recreation areas. Specific areas as listed in 61.4(6), 61.8(461A) and 61.11(461A) are subject to additional restrictions or exceptions. The conditions in this rule are in addition

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to specific conditions and restrictions set forth in Iowa Code chapter 461A.

61.7(1) Animals.

- a. The use of equine animals and llamas is limited to roadways or to trails designated for such use.
- b. Animals are prohibited within designated beach areas.
- c. Livestock are not permitted to graze or roam within state parks and recreation areas. The owner of the livestock shall remove the livestock immediately upon notification by the department of natural resources personnel in charge of the area.
- d. Except for dogs being used in designated hunting or in dog training areas, pets such as dogs or cats shall not be allowed to run at large within state parks, recreation areas, or preserves. Such animals shall be on a leash or chain not to exceed six feet in length and shall be either led by or carried by the owner, attached to an anchor/tie-out or vehicle, or confined in a vehicle.

61.7(2) Beach use/swimming.

- a. Except as provided in paragraphs "b" and "d" of this subrule, all swimming and scuba diving shall take place in the beach area within the boundaries marked by ropes, buoys, or signs within state parks and recreation areas. Inner tubes, air mattresses and other beach-type items shall be used only in designated beach areas.
- b. Persons may scuba dive in areas other than the designated beach area provided they display the diver's flag as specified in rule 571—41.10(462A).
- c. The provisions of paragraph "a" of this subrule shall not be construed as prohibiting wading in areas other than the beach by persons actively engaged in shoreline fishing.
- d. Unless otherwise posted, persons may swim outside the beach area under the following conditions:
 - (1) Within ten feet of a vessel which is anchored not less than 100 yards from the shoreline or the marked boundary of a designated beach.
 - (2) Sailboat or other vessel passengers who enter the water to upright or repair their vessel and remain within ten feet of that vessel.
 - (3) All vessels, except those being uprighted, must be attended at all times by at least one person remaining on board.

61.7(3) Bottles. Possession or use of breakable containers, the fragmented parts of which can injure a person, is prohibited in beach areas of state parks and recreation areas.

61.7(4) Chainsaws. Except by written permission of the director of the department of natural resources, chainsaw use is prohibited in state parks and recreation areas. This provision is not applicable to employees of the department of natural resources in the performance of their official duties.

61.7(5) Firearms. The use of firearms in state parks and recreation areas, as defined in 61.2(461A), is limited to the following:

- a. Lawful hunting as traditionally allowed at Badger Creek Recreation Area, Brushy Creek Recreation Area, Pleasant Creek Recreation Area, Mines of Spain State Recreation Area (pursuant to 61.9(461A)), Volga River Recreation Area and Wilson Island Recreation Area.
- b. Target and practice shooting in areas designated by DNR.
- c. Special events, festivals, and education programs sponsored or permitted by DNR.
- d. Special hunts authorized by the natural resource commission to control deer populations.

61.7(6) Fishing off boat docks within state areas. Persons may fish off all state-owned docks within state parks and recreation areas.

Persons fishing off these docks must yield to boats and not interfere with boaters.

61.7(7) Garbage. Using government refuse receptacles for dumping household, commercial, or industrial refuse brought as such from private property is prohibited.

61.7(8) Motor vehicle restrictions.

- a. Except as provided in these rules, motor vehicles are prohibited on state parks, recreation areas and preserves except on constructed and designated roads, parking lots and campgrounds.
- b. Use of motorized vehicles by persons with physical disabilities. Persons with physical disabilities may use certain motorized vehicles to access specific areas in state parks, recreation areas and preserves, according to restrictions set out in this paragraph, in order to enjoy the same recreational opportunities available to others. Allowable vehicles include any self-propelled electric or gas vehicle which has at least three wheels, but no more than six wheels, and is limited in engine displacement to less than 800 cubic centimeters and in total dry weight to less than 1,450 pounds.

(1) Permits.

1. Each person with a physical disability must have a permit issued by the director in order to use a motorized vehicle in specific areas within state parks, recreation areas, and preserves. Such permits will be issued without charge. An applicant must submit a certificate from a doctor stating that the applicant meets the criteria describing a person with a physical disability. One nonhandicapped companion may accompany the permit holder on the same vehicle if that vehicle is designed for more than one rider; otherwise the companion must walk.

2. Existing permits. Those persons possessing a valid permit for use of a motorized vehicle on game management areas as provided in 571—51.7(461A) may use a motorized vehicle to gain access to specific areas for recreational opportunities and facilities within state parks, recreation areas and preserves.

(2) Approved areas. On each visit, the permit holder must contact the park staff in charge of the specific area in which the permit holder wishes to use a motorized vehicle. The park staff must designate on a park map the area(s) where the permit holder will be allowed to use a motorized vehicle. This restriction is intended to protect the permit holder from hazards or to protect certain natural resources of the area. The map is to be signed and dated on each visit by the park staff in charge of the area. Approval for use of a motorized vehicle on state preserves also requires consultation with a member of the preserves staff in Des Moines.

(3) Exclusive use. The issuance of a permit does not imply that the permittee has exclusive or indiscriminant use of an area. Permittees shall take reasonable care so as not to unduly interfere with the use of the area by others.

(4) Prohibited acts and restrictions.

1. Except as provided in 61.7(8)"b," the use of a motorized vehicle on any park, recreation area or preserve by a person without a valid permit or at any site not approved on a signed map is prohibited. Permits and maps shall be carried by the permittee at any time the permittee is using a motorized vehicle in a park, recreation area or preserve and shall be exhibited to any department employee or law enforcement official upon request.

2. The speed limit for an approved motor vehicle off-road will be no more than 5 mph. The permit of a person who is found exceeding the speed limit will be revoked.

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3. The permit of any person who is found causing damage to cultural and natural features or abusing the privilege of riding off-road within the park will be revoked.

(5) Employees exempt. Restrictions in subrule 61.7(8) shall not apply to department personnel, law enforcement officials, or other authorized persons engaged in research, management or enforcement when in performance of their duties.

61.7(9) Noise. Creating or sustaining any unreasonable noise in any portion of all state parks and recreation areas is prohibited at all times. The nature and purpose of a person's conduct, the impact on other area users, the time of day, location, and other factors which would govern the conduct of a reasonable, prudent person under the circumstances shall be used to determine whether the noise is unreasonable. Unreasonable noise shall include the operation or utilization of motorized equipment or machinery such as an electric generator, motor vehicle, or motorized toy; or audio device such as a radio, television set, tape deck, public address system, or musical instrument; or other device. Between the hours of 10:30 p.m. and 6 a.m., noise which can be heard at a distance of 120 feet or three campsites shall be considered unreasonable.

61.7(10) Opening and closing times. Except by arrangement or permission granted by the director or the director's authorized representative or as otherwise stated in this chapter, the following restrictions shall apply: All persons shall vacate all state parks and preserves before 10:30 p.m. each day, except authorized campers in accordance with Iowa Code section 461A.46, and no person or persons shall enter into such parks and preserves until 4 a.m. the following day.

61.7(11) Paintball guns. The use of any item generally referred to as a paintball gun is prohibited in state parks, recreation areas and preserves.

61.7(12) Restrictions on picnic site use.

a. Open picnic sites marked with the international symbol of accessibility shall be used only by a person or group with a person qualifying for and displaying a persons with disabilities parking permit on the person's vehicle.

b. Paragraph 61.7(12)"a" does not apply to picnic shelters marked with the international accessibility symbol. The use of the symbol on shelters shall serve only as an indication that the shelter is wheelchair accessible.

61.7(13) Rock climbing or rappelling. The rock climbing practice known as free climbing and climbing or rappelling activities which utilize bolts, pitons, or similar permanent anchoring equipment or ropes, harnesses, or slings are prohibited in state parks and recreation areas, except by persons or groups registered with the park staff in charge of the area. Individual members of a group must each sign a registration. Climbing or rappelling will not be permitted at Elk Rock State Park, Marion County; Ledges State Park, Boone County; Dolliver Memorial State Park, Webster County; Stone State Park, Woodbury and Plymouth Counties; Maquoketa Caves State Park, Jackson County; Wildcat Den State Park, Muscatine County; or Mines of Spain Recreation Area, Dubuque County. Other sites may be closed to climbing or rappelling if environmental damage or safety problems occur or if an endangered or threatened species is present.

61.7(14) Speech or conduct interfering with lawful use of an area by others.

a. Speech commonly perceived as offensive or abusive is prohibited when such speech interferes with lawful use and enjoyment of the area by another member of the public.

b. Quarreling or fighting is prohibited when it interferes with the lawful use and enjoyment of the area by another member of the public.

61.7(15) Deer population control hunts. Deer hunting as allowed under Iowa Code section 461A.42"c" is permitted only during special hunts in the following state parks as provided for under 571—Chapter 105 and as approved by the natural resource commission. During the dates of deer hunting, only persons engaged in deer hunting shall use the area or portions thereof as designated by DNR and signed as such.

Backbone State Park
Elk Rock State Park
George Wyth State Park
Lake Darling State Park
Lake Manawa State Park
Lake of Three Fires State Park
Springbrook State Park
Viking Lake State Park

Delaware County
Marion County
Black Hawk County
Washington County
Pottawattamie County
Taylor County
Guthrie County
Montgomery County

61.7(16) Special event permits. Any person or group wishing to conduct a special event in any state park or recreation area shall notify the department of natural resources manager in charge of the area in advance and comply with the following procedures.

a. At least 30 days prior to the scheduled event, the sponsor shall submit an application to the park staff of the area where the proposed event is to take place. Application forms shall be furnished by the DNR. Submission of an application does not guarantee issuance of a permit by the DNR.

b. Applicants for special events shall provide proof of liability insurance naming the applicant and the DNR as additional insured.

c. If the area has a concessionaire on site, sales of food and other items shall be governed pursuant to 571—Chapter 14. If a concessionaire chooses not to provide these services during the event, the event sponsor may then bring in other concession operations as approved by the DNR.

d. Exclusive use. Issuance of a special event permit does not imply that the permittee has exclusive use of an area unless a facility has been reserved pursuant to 61.3(461A) and 61.6(461A).

571—61.8(461A) Certain conditions of public use applicable to specific parks and recreation areas. In addition to the general conditions of public use set forth in 61.4(5) and 61.7(461A), special conditions shall apply to the specific areas listed as follows:

61.8(1) Brushy Creek State Recreation Area, Webster County. Swimming is limited by the provisions of 61.7(2); also, swimming is prohibited at the beach from 10:30 p.m. to 6 a.m. daily.

61.8(2) Hattie Elston Access and Claire Wilson Park, Dickinson County.

a. Parking of vehicles overnight on these areas is prohibited unless the vehicle operator and occupants are actively involved in boating or are fishing as allowed under 61.11(461A).

b. Overnight camping is prohibited.

61.8(3) Mines of Spain Recreation Area, Dubuque County. All persons shall vacate all portions of the Mines of Spain Recreation Area prior to 10:30 p.m. each day, and no person or persons shall enter into the area until 4 a.m. the following day.

61.8(4) Pleasant Creek Recreation Area, Linn County. Swimming is limited by the provisions of 61.7(2); also, swimming is prohibited at the beach from 10:30 p.m. to 6 a.m. daily. Access into and out of the north portion of the area between the east end of the dam to the campground shall be closed from 10:30 p.m. to 4 a.m., except that walk-in overnight fishing will be allowed along the dam. The areas

NATURAL RESOURCE COMMISSION[571](cont'd)

known as the dog trial area and the equestrian area shall be closed from 10:30 p.m. to 4 a.m., except for equestrian camping and for those persons participating in a DNR-authorized field trial. From 10:30 p.m. to 4 a.m., only registered campers are permitted in the campground.

61.8(5) Wapsipinicon State Park, Jones County. The land adjacent to the park on the southeast corner and generally referred to as the "Ohler property" is closed to the public from 10:30 p.m. to 4 a.m.

571—61.9(461A) Mines of Spain hunting, trapping and firearms use.

61.9(1) The following described portions of the Mines of Spain Recreation Area are established and will be posted as wildlife refuges:

a. That portion within the city limits of the city of Dubuque located west of U.S. Highway 61 and north of Mar Jo Hills Road.

b. The tract leased by the department of natural resources from the city of Dubuque upon which the E. B. Lyons Interpretive Center is located.

c. That portion located south of the north line of Section 8, Township 88 North, Range 3 East of the 5th P.M. between the west property boundary and the east line of said Section 8.

d. That portion located north of Catfish Creek, east of the Mines of Spain Road and south of the railroad tracks. This portion contains the Julien Dubuque Monument.

61.9(2) Trapping and archery hunting for all legal species are permitted in compliance with all open-season, license and possession limits on the Mines of Spain Recreation Area except in those areas designated as refuges by 61.9(1).

61.9(3) Firearms use is prohibited in the following described areas:

a. The areas described in 61.9(1).

b. The area north and west of Catfish Creek and west of Granger Creek.

61.9(4) Deer hunting and hunting for all other species are permitted using shotguns only and are permitted only during the regular gun season as established by 571—Chapter 106. Areas not described in 61.9(3) are open for hunting. Hunting shall be in compliance with all other regulations.

61.9(5) Turkey hunting with shotguns is allowed only in compliance with the following regulations:

a. Only during the first shotgun hunting season established in 571—Chapter 98, which is typically four days in mid-April.

b. Only in that area of the Mines of Spain Recreation Area located east of the established roadway and south of the Horseshoe Bluff Quarry.

61.9(6) The use or possession of a handgun or any type of rifle is prohibited on the entire Mines of Spain Recreation Area except as provided in 61.9(4). Target and practice shooting with any type of firearm is prohibited.

61.9(7) All forms of hunting, trapping and firearms use not specifically permitted by 61.9(461A) are prohibited in the Mines of Spain Recreation Area.

571—61.10(461A) After-hours fishing—exception to closing time. Persons shall be allowed access to the areas designated in 61.11(461A) between the hours of 10:30 p.m. and 4 a.m. under the following conditions:

1. The person shall be actively engaged in fishing.
2. The person shall behave in a quiet, courteous manner so as not to disturb other users of the park such as campers.
3. Access to the fishing site from the parking area shall be by the shortest and most direct trail or access facility.

4. Vehicle parking shall be in the lots designated by signs posted in the area.

5. Activities other than fishing are allowed with permission of the director or an employee designated by the director.

571—61.11(461A) Designated areas for after-hours fishing. These areas are open from 10:30 p.m. to 4 a.m. for fishing only. The areas are described as follows:

61.11(1) Black Hawk Lake, Sac County. The area of the state park between the road and the lake running from the marina at Drillings Point on the northeast end of the lake approximately three-fourths of a mile in a southwesterly direction to a point where the park boundary decreases to include only the roadway.

61.11(2) Claire Wilson Park, Dickinson County. The entire area including the parking lot, shoreline and fishing trestle facility.

61.11(3) Clear Lake State Park, Ritz Unit, Cerro Gordo County. The boat ramp, courtesy dock, fishing dock and parking lots.

61.11(4) Elinor Bedell State Park, Dickinson County. The entire length of the shoreline within state park boundaries.

61.11(5) Elk Rock State Park, Marion County. The Teeter Creek boat ramp area just east of State Highway 14, access to which is the first road to the left upon entering the park.

61.11(6) Green Valley Lake, Union County.

a. The embankment of the road from the small parking lot east of the park ranger's residence, east to the "T" intersection and south to the westerly end of a point of land jutting into the lake directly south of the parking lot mentioned above.

b. From the east side of the spillway easterly across the dam to the west edge of the parking lot.

61.11(7) Hattie Elston Access, Dickinson County. The entire area including the parking lot shoreline and boat ramp facilities.

61.11(8) Honey Creek State Park, Appanoose County. The boat ramp area located north of the park office, access to which is the first road to the left after the entrance to the park.

61.11(9) Geode State Park, Des Moines County portion. The area of the dam embankment that is parallel to County Road J20 and lies between the two parking lots located on each end of the embankment.

61.11(10) Lake Keomah State Park, Mahaska County.

a. The embankment of the dam between the crest of the dam and the lake.

b. The shoreline between the road and the lake from the south boat launch area west and north to the junction with the road leading to the group camp shelter.

61.11(11) Lake Macbride State Park, Johnson County. The shoreline of the south arm of the lake adjacent to the county road commencing at the "T" intersection of the roads at the north end of the north-south causeway proceeding across the causeway thence southeasterly along a foot trail to the east-west causeway, across the causeway to the parking area on the east end of that causeway.

61.11(12) Lake Manawa State Park, Pottawattamie County. The west shoreline including both sides of the main park road, commencing at the north park entrance and continuing south 1.5 miles to the parking lot immediately north of the picnic area located on the west side of the southwest arm of the lake.

61.11(13) Lower Pine Lake, Hardin County. West shoreline along Hardin County Road S56 from the beach southerly to the boat ramp access.

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61.11(14) Mini-Wakan State Park, Dickinson County. The entire area.

61.11(15) North Twin Lake State Park, Calhoun County. The shoreline of the large day-use area containing the swimming beach on the east shore of the lake.

61.11(16) Pikes Point State Park, Dickinson County. The shoreline areas of Pikes Point State Park on the east side of West Okoboji Lake.

61.11(17) Prairie Rose State Park, Shelby County. The west side of the embankment of the causeway across the southeast arm of the lake including the shoreline west of the parking area located off County Road M47 and just north of the entrance leading to the park office.

61.11(18) Rock Creek Lake, Jasper County. Both sides of the County Road F27 causeway across the main north portion of the lake.

61.11(19) Union Grove State Park, Tama County.

a. The dam embankment from the spillway to the west end of the parking lot adjacent to the dam.

b. The area of state park that parallels BB Avenue, from the causeway on the north end of the lake southerly to a point approximately one-tenth of a mile southwest of the boat ramp.

61.11(20) Upper Pine Lake, Hardin County. Southwest shoreline extending from the boat launch ramp to the dam.

61.11(21) Viking Lake State Park, Montgomery County. The embankment of the dam from the parking area located southeast of the dam area northwesterly across the dam structure to its intersection with the natural shoreline of the lake.

571—61.12(461A) Vessels prohibited. Rule 61.11(461A) does not permit the use of vessels on the artificial lakes within state parks after the 10:30 p.m. park closing time. All fishing is to be done from the bank or shoreline of the permitted area.

571—61.13(461A) Severability. Should any rule, subrule, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

571—61.14(461A) Restore the outdoors program. Funding provided through the appropriation set forth in Iowa Code section 461A.3A, and subsequent Acts, shall be used to renovate, replace or construct new vertical infrastructure and associated appurtenances in state parks and other public facilities managed by the department of natural resources.

The intended projects will be included in the department's annual five-year capital plan in priority order by year and approved by the natural resource commission for inclusion in its capital budget request.

The funds appropriated by Iowa Code section 461A.3A, and subsequent Acts, will be used to renovate, replace or construct new vertical infrastructure through construction contracts, agreements with local government entities responsible for managing state parks and other public facilities, and agreements with the department of corrections to use offender labor where possible. Funds shall also be used to support site survey, design and construction contract management through consulting engineering and architectural firms and for direct survey, design and construction management costs incurred by department engineering and architectural staff for restore the outdoors projects. Funds shall not be used to support general department oversight of the restore the outdoors program, such as accounting, general administration or long-range planning.

These rules are intended to implement Iowa Code sections 422.43, 455A.4, 461A.3, 461A.3A, 461A.35, 461A.38,

461A.39, 461A.42, 461A.43, 461A.45 to 461A.51, 461A.57, and 723.4 and Iowa Code chapter 724.

ITEM 2. Rescind 571—Chapter 62 and adopt the following new chapter in lieu thereof:

CHAPTER 62 STATE FOREST CAMPING

571—62.1(461A) Applicability. This rule governs camping activity in the following areas:

1. Yellow River State Forest, Allamakee County.
2. Stephens State Forest, Clarke, Lucas, Appanoose, Davis and Monroe Counties.
3. Shimek State Forest, Van Buren and Lee Counties.

571—62.2(461A) Definitions.

“Basic unit” or “basic camping unit” means the portable shelter used by one to six persons.

“Call center” means a phone center where operators process all telephone reservations, reservation changes and reservation cancellations for camping and rental facilities.

“Camping” means the erecting of a tent or shelter of natural or synthetic material, or placing a sleeping bag or other bedding material on the ground or parking a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy.

“Centralized reservation system” means a system that processes reservations using more than one method to accept reservations. Each method simultaneously communicates to a centralized database at a reservation contractor location to ensure no campsite or rental facility is booked twice.

“Chaperoned, organized youth group” means a group of persons 17 years of age and under, which is sponsored by and accompanied by adult representatives of a formal organization including, but not limited to, the Boy Scouts of America or Girl Scouts of America, a church, or Young Men's or Young Women's Christian Association. “Chaperoned, organized youth group” does not include families of members of a formal organization.

“Nonmodern area” means a camping area in which no showers are provided and which contains only pit-type latrines or flush-type toilets. Potable water may or may not be available to campers.

“Organized youth group campsite” means a designated camping area within or next to the main campground where chaperoned, organized youth groups may camp.

“Reservation transaction fees” means fees charged by the department to process a reservation, change a reservation or cancel a reservation.

“Reservation window” means a rolling period of time in which a person may reserve a campsite or rental facility.

571—62.3(461A) Camping areas established and marked.

62.3(1) Areas to be utilized for camping shall be established within each of these state forests.

62.3(2) Signs designating the established camping areas shall be posted along the access roads into these areas and around the perimeter of the area designated for camping use.

62.3(3) Areas approved for backpack camping (no vehicular access) shall be marked with appropriate signs and shall contain fire rings.

571—62.4(461A) Campground reservations. The department shall establish a centralized reservation system to accept and process reservations for camping and rental facilities in state parks, recreation areas and state forest campgrounds.

NATURAL RESOURCE COMMISSION[571](cont'd)

62.4(1) Centralized reservation system business rules manual. The department shall adopt by reference the manual titled "Centralized Reservation System Business Rules for Iowa State Parks, Recreation Areas and State Forests," dated January 1, 2006, which sets procedures and policies for the administration of reservations of campsites and rental facilities through the centralized reservation system.

62.4(2) Recreation facilities available on the centralized reservation system—campgrounds.

a. Except for the backpack campsites, all state forest campgrounds shall be available on the centralized reservation system.

b. Fifty percent of the total number of campsites in each individual campground shall be designated as reservable sites on the reservation system. The determination of which campsites shall be included in the 50 percent reservable designation shall be the responsibility of the park staff in each park. Park staff shall include a combination of electric, non-electric and sewer/water sites while taking into consideration campsite characteristics such as location, shade, and size. The department shall review the percentage of reservable sites and usage on a biennial basis and determine whether the percentage of reservable campsites should be changed.

c. All designated chaperoned, organized youth group campsites and handicapped-accessible campsites shall be included in the reservation system.

d. Reservations will not be taken for any backpack campsites in state forest campgrounds. Those sites shall be available on a first-come, first-served basis only.

62.4(3) Methods available to make reservations. Persons may make reservations by telephone through the call center or through the Internet using the reservation system Web site.

62.4(4) Reservation transaction fees.

a. Reservation fee. A nonrefundable reservation fee shall be charged for each reservation made per campsite regardless of the length of stay. This one-time fee is in addition to the camping fees established in 571—subrule 61.4(1). The reservation fee varies depending upon the method used when the reservation is made.

(1) Internet reservation — \$4 + 3 percent credit card processing fee (if applicable).

(2) Telephone reservation — \$6 + 3 percent credit card processing fee (if applicable).

b. Change fee. A change fee of \$5 + 3 percent credit card processing fee (if applicable) shall be charged to change an existing reservation.

c. Cancellation fee. A cancellation fee of \$10 shall be charged to cancel a reservation.

62.4(5) Reservation window—camping. The reservation window for camping shall be a rolling period of time from three months to two days prior to the arrival date in which a person may make a reservation.

571—62.5(461A) Camping fees and registration.

62.5(1) Any person who camps in a state forest must register the person's name and address with the department of natural resources' representative in charge of the area.

a. Walk-in campers shall complete the registration form, place the appropriate fee in the envelope and place the envelope in the depository provided by the department of natural resources. One copy must then be placed in the holder provided at the campsite.

b. Park staff shall complete the registration for campers with reservations and place the registration in the campsite holder prior to the campers' arrival.

62.5(2) The fees for camping in established state forest campgrounds shall be the same as those cited in 571—

paragraphs 61.4(1)“a” and “b” for all other nonmodern camping areas managed by the department of natural resources where fees are charged.

62.5(3) Campsites are considered occupied and campsite registration shall be considered complete when the requirements of 62.5(1) have been met.

62.5(4) The fees for a chaperoned, organized youth group shall be the same as those cited in 571—paragraph 61.4(1)“d” for all other chaperoned, organized youth group campsites.

62.5(5) Backpack campsites. Persons using backpack camping sites shall register at the forest area check station or other designated site. No fee will be charged for the use of the designated backpack campsites.

571—62.6(461A) Camping restrictions.

62.6(1) No person shall camp in the state forests listed in rule 62.1(461A) except within the designated camping areas or at established backpack campsite areas.

62.6(2) Camping within the designated camping area shall be on sites posted by numbered signs marking the location to be used by the camping unit or within the areas designated for backpack camping.

62.6(3) Camping is restricted to one basic unit per site except that a small tent may be placed on a site with the basic unit so long as the persons occupying the tent are under 18 years of age and are dependent members of the immediate family occupying the basic unit. The area occupied by the small tent shall be no more than 8 feet by 10 feet, and the tent shall hold no more than four people.

Families which exceed six persons may be allowed on one campsite if all members are immediate family and cannot logically be separated to occupy two campsites. One basic unit will be allowed on the site except that a small tent may be placed on a site with the basic unit so long as the persons occupying the tent are under 18 years of age and are dependent members of the immediate family occupying the basic unit. The area occupied by the small tent shall be no more than 8 feet by 10 feet, and the tent shall hold no more than four people.

62.6(4) Campers occupying reservable sites shall vacate the campground by 2 p.m. of the last day of their stay.

571—62.7(461A) Camping time limit. No basic camping unit shall be permitted to camp longer than two weeks at a time within a state forest, except for volunteers working under the department of natural resources' campground host program agreement.

571—62.8(461A) Camping refused. Department of natural resources officers are given authority to refuse camping privileges and to rescind any and all camping permits for cause.

571—62.9(461A) Firearms use prohibited. Except for peace officers acting in the scope of their employment, the use of firearms, fireworks, explosives, and weapons of all kinds by the public is prohibited within the established camping area as delineated by signs marking the area.

571—62.10(461A) Hours. Access into and out of the established camping areas shall be permitted from 4 a.m. to 10:30 p.m. During the hours of 10:31 p.m. to 3:59 a.m., only registered campers are permitted in the campgrounds.

571—62.11(461A) Horses and pets. No horse or other animal shall be hitched or tied to any tree or shrub in a manner to result in injury to state property. Pets such as dogs or cats shall not be allowed to run at large within the designated camping area. Such animals shall be deemed running at large unless

NATURAL RESOURCE COMMISSION[571](cont'd)

the owner carries the animal or leads it by leash or chain not exceeding six feet in length or keeps it confined in or attached to a vehicle. Chains or other restraints used shall not be of sufficient length as to permit the animal to enter a designated campsite other than the one used by the animal's owner.

Stabling of equine animals and llamas shall be in accordance with 571—paragraph 61.4(5)“k.”

571—62.12(461A) Noise. Creating or sustaining any unreasonable noise in any portion of all state forests is prohibited at all times. The nature and purpose of a person's conduct, the impact on other area users, the time of day, location, and other factors which would govern the conduct of a reasonable, prudent person under the circumstances shall be used to determine whether the noise is unreasonable. Unreasonable noise shall include the operation or utilization of motorized equipment or machinery such as an electric generator, motor vehicle, or motorized toy; or audio device such as a radio, television set, tape deck, public address system, or musical instrument; or other device. Between the hours of 10:30 p.m. and 6 a.m., noise which can be heard at a distance of 120 feet or three campsites shall be considered unreasonable.

These rules are intended to implement Iowa Code sections 461A.35, 461A.44, 461A.45, 461A.47 to 461A.51 and 461A.57.

ARC 4464B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 81, “Fishing Regulations,” Iowa Administrative Code.

The proposed amendment prohibits snagging of fish in the Des Moines River below the two dams in Fort Dodge and from the Ventura Grade, Jetty, and Bridge in Clear Lake and Ventura Marsh.

Any interested person may make written suggestions or comments on the proposed amendment on or before September 23, 2005. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be two public hearings as follows:

September 21, 2005 7 p.m.	Bob Huen Shelter House Kennedy Park 1415 Nelson Avenue Fort Dodge
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September 22, 2005 7 p.m.	City Hall 15 N. 6th Street Clear Lake
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At the public hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, and 481A.76.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule **81.2(11)** by adopting the following **new** numbered paragraphs “9” to “11”:

9. Des Moines River from directly below the Hydroelectric Dam (Big Dam) to the Hawkeye Avenue Bridge in Fort Dodge.

10. Des Moines River from directly below the Little Dam to the Union Pacific Railroad Bridge in Fort Dodge.

11. Clear Lake and Ventura Marsh from the Ventura Grade, Jetty and Bridge.

ARC 4465B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 86, “Turtles,” Iowa Administrative Code.

The proposed amendments remove map turtles from the list of permissive catch, prohibit the harvest of turtle eggs from wild nests and modify the language pertaining to the escape hole on turtle traps to ensure that the escape hole is functional.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 30, 2005. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be four public hearings as follows:

September 20, 2005 7 p.m.	Pioneer Ridge Nature Center 1339 Highway 63 Bloomfield
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September 22, 2005 7 p.m.	City Hall 15 N. 6th Street Clear Lake
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NATURAL RESOURCE COMMISSION[571](cont'd)

September 28, 2005
7 p.m. Municipal Building
502 South 1st Street
Guttenberg

September 29, 2005
7 p.m. Musser Public Library
304 Iowa Avenue
Muscatine

At the public hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 482.1 and 482.11.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Amend subrule 86.1(1) as follows:

86.1(1) Permissive catch. It shall be lawful to take common snapping turtles, softshells, and painted turtles. Possession of alligator snapping turtles is not permitted. ~~Map turtles may only be taken from the Mississippi River and connected backwaters. The taking of turtle eggs from the wild is prohibited.~~

ITEM 2. Amend subrule 86.1(2) as follows:

86.1(2) Methods. The method of taking turtles shall only be by hand, turtle hook, turtle trap, licensed commercial fishing gear in the Mississippi and Missouri River only, and hook-and-line. Turtle traps shall be constructed with no more than one throat or funneling device. The last hoop to the tail-line of turtle traps shall be covered by nylon web having a mesh size not less than 3½ inches square measure, or ~~an~~ a functional escape hole provided below the water surface with a minimum diameter in all directions of 7½ inches. Barrel- and floating-type turtle traps must have ~~an~~ a functional escape hole below the water surface with a minimum diameter in all directions of 7½ inches.

ARC 4466B

NATURAL RESOURCE
COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 87, “Mussel Regulations,” Iowa Administrative Code.

The proposed amendment closes the commercial harvest of mussels in the waters of the Mississippi River common with the state of Wisconsin.

Any interested person may make written suggestions or comments on the proposed amendment on or before September 30, 2005. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be two public hearings as follows:

September 28, 2005 Municipal Building
7 p.m. 502 South 1st Street
Guttenberg

September 29, 2005 Musser Public Library
7 p.m. 304 Iowa Avenue
Muscatine

At the public hearings persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 482.1 and 482.12.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule 87.1(4) as follows:

87.1(4) Areas. Mussel harvest for commercial purposes shall be limited to the Mississippi River and connected backwaters *common with the state of Illinois*.

ARC 4457B

PROFESSIONAL LICENSURE
DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences Examiners hereby gives Notice of Intended Action to amend Chapter 62, “Fees,” Iowa Administrative Code.

The proposed amendment rescinds rule 645—62.1(147, 157) and adopts a new rule in lieu thereof. The new rule raises fees to fund changes to an antiquated software system and to provide other services for licensees, such as online renewals. The Board prenoticed this rule to provide licensees and the public an opportunity to comment on the proposed

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

rule. The Board did not receive any comments during this prenotice period.

Any interested person may make written comments on the proposed amendment no later than September 21, 2005, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on September 21, 2005, from 9:30 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapters 21, 147, 155 and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Rescind rule 645—62.1(147,157) and adopt the following **new** rule in lieu thereof:

645—62.1(147,157) License fees. All fees are nonrefundable.

62.1(1) Licensure fee for license to practice cosmetology arts and sciences, licensure by endorsement, licensure by reciprocity, or an instructor's license shall be \$60.

62.1(2) Biennial license renewal fee for each license for each biennium shall be \$60.

62.1(3) Late fee for failure to renew before expiration shall be \$60.

62.1(4) Reactivation fee shall be \$120.

62.1(5) Duplicate or reissued wallet card or license fee shall be \$20.

62.1(6) Fee for verification of license shall be \$20.

62.1(7) Returned check fee shall be \$25.

62.1(8) Disciplinary hearing fee shall be a maximum of \$75.

62.1(9) Temporary permit fee shall be \$35.

62.1(10) Written practical and theory examination fee shall be \$84.

62.1(11) Fee for retaking the theory examination shall be \$84.

62.1(12) Iowa law (jurisprudence) examination fee shall be \$36.

62.1(13) Fee for retaking the Iowa law (jurisprudence) examination shall be \$36.

62.1(14) Fee for license to conduct a school teaching cosmetology arts and sciences shall be \$600.

62.1(15) Fee for renewal of a school license shall be \$270 annually.

62.1(16) Salon license fee shall be \$84.

62.1(17) Renewal of a salon license fee shall be \$84 biennially.

62.1(18) Demonstrator and not-for-profit temporary permit fee shall be \$42 for the first day and \$12 for each day thereafter that the permit is valid.

62.1(19) Initial fee for certification to administer microdermabrasion or utilize a certified laser product shall be \$25 for each type of procedure or certified laser product.

62.1(20) Initial fee for certification of cosmetologists to administer chemical peels shall be \$25.

This rule is intended to implement Iowa Code section 147.80 and chapter 157.

ARC 4454B

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Examiners for the Licensing and Regulation of Hearing Aid Dispensers hereby gives Notice of Intended Action to amend Chapter 125, “Fees,” Iowa Administrative Code.

The proposed amendment rescinds the current fee rule and adopts a new rule in lieu thereof. The new rule raises fees to fund changes to an antiquated software system and to provide other services for licensees, such as online renewals. The Board prenoticed this rule to provide licensees and the public an opportunity to comment on the proposed rule. The Board did not receive any comments during this prenotice period.

Any interested person may make written comments on the proposed amendment no later than September 21, 2005, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on September 21, 2005, from 9 to 9:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapters 21, 147, 154A and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Rescind rule 645—125.1(147,154A) and adopt the following **new** rule in lieu thereof:

645—125.1(147,154A) License fees. All fees are nonrefundable.

125.1(1) Application fee for a license to practice by examination, endorsement, or reciprocity is \$156.

125.1(2) Examination fee (check or money order made payable to the International Hearing Society) is \$95.

125.1(3) Renewal of license fee is \$60.

125.1(4) Temporary permit fee is \$42.

125.1(5) Late fee is \$60.

125.1(6) Reactivation fee is \$120.

125.1(7) Duplicate and reissued license and wallet card fee is \$20.

125.1(8) Verification of license fee is \$20.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

125.1(9) Returned check fee is \$25.

125.1(10) Disciplinary hearing fee is a maximum of \$75.

This rule is intended to implement Iowa Code chapter 154A.

ARC 4460B**PROFESSIONAL LICENSURE
DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Psychology Examiners hereby gives Notice of Intended Action to amend Chapter 243, "Fees," Iowa Administrative Code.

The proposed amendment rescinds rule 645—243.1(147, 154B) and adopts a new rule in lieu thereof. The new rule raises fees to fund changes to an antiquated software system and to provide other services for licensees, such as online renewals. The Board prenoticed this rule to provide licensees and the public an opportunity to comment on the proposed rule. The Board did not receive any comments during this prenotice period.

Any interested person may make written comments on the proposed amendment no later than September 21, 2005, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on September 21, 2005, from 10 to 10:30 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapters 21, 147, 154B and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Rescind rule 645—243.1(147,154B) and adopt the following **new** rule in lieu thereof:

645—243.1(147,154B) License fees. All fees are nonrefundable.

243.1(1) Licensure fee for license to practice psychology is \$150.

243.1(2) Biennial license renewal fee is \$170.

243.1(3) Late fee for failure to renew before expiration is \$60.

243.1(4) Reactivation fee is \$230.

243.1(5) Duplicate or reissued license certificate or wallet card fee is \$20.

243.1(6) Verification of license fee is \$20.

243.1(7) Returned check fee is \$25.

243.1(8) Disciplinary hearing fee is a maximum of \$75.

243.1(9) Processing fee for exemption to licensure is \$60.

243.1(10) Certification fee for a health service provider is \$60.

243.1(11) Biennial renewal fee for certification as a certified health service provider in psychology is \$60.

This rule is intended to implement Iowa Code section 147.80 and Iowa Code chapters 17A, 154B and 272C.

ARC 4450B**PROFESSIONAL LICENSURE
DIVISION[645]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Social Work Examiners hereby gives Notice of Intended Action to amend Chapter 284, "Fees," Iowa Administrative Code.

The proposed amendment rescinds rule 645—284.1(147, 154C) and adopts a new rule in lieu thereof. The new rule raises fees to fund changes to an antiquated software system and to provide other services for licensees, such as online renewals. The Board prenoticed this rule to provide licensees and the public an opportunity to comment on the proposed rule. The Board did not receive any comments during this prenotice period.

Any interested person may make written comments on the proposed amendment no later than September 21, 2005, addressed to Pierce Wilson, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail pwilson@idph.state.ia.us.

A public hearing will be held on September 21, 2005, from 10:30 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

This amendment is intended to implement Iowa Code chapters 21, 147, 154C and 272C.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Rescind rule 645—284.1(147,154C) and adopt the following **new** rule in lieu thereof:

645—284.1(147,154C) License fees. All fees are nonrefundable.

284.1(1) Licensure fee for license to practice social work is \$120.

284.1(2) Biennial license renewal fee for a license at the bachelor's level is \$72 each biennium; for the master's level,

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

\$120 each biennium; and independent level, \$144 each biennium.

284.1(3) Late fee for failure to renew before expiration is \$60.

284.1(4) Reactivation fee for the bachelor's level is \$132 each biennium; for the master's level, \$180 each biennium; and independent level, \$204 each biennium.

284.1(5) Duplicate or reissued license certificate or wallet card fee is \$20.

284.1(6) Verification of license fee is \$20.

284.1(7) Returned check fee is \$25.

284.1(8) Disciplinary hearing fee is a maximum of \$75.

This rule is intended to implement Iowa Code section 147.80 and chapters 17A, 154C and 272C.

ARC 4451B**REAL ESTATE COMMISSION[193E]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 543B.9 and 543B.18 and chapter 558A, the Real Estate Commission hereby gives Notice of Intended Action to amend Chapter 14, "Seller Property Condition Disclosure," Iowa Administrative Code.

The proposed amendment to subrule 14.1(6) adds to the Residential Property Seller Disclosure Statement new numbered item "16," which requires the disclosure of restrictive covenants. Existing numbered items "16" to "19" are not amended but will be renumbered as "17" to "20."

A public hearing will be held on September 20, 2005, at 10 a.m. in the Second Floor Professional Licensing Conference Room, 1920 SE Hulsizer, Ankeny, Iowa, at which time persons may present their views on the proposed amendment either orally or in writing. At the hearing, persons who wish to speak will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

Consideration will be given to all written suggestions or comments received before the end of the business day on September 20, 2005. Comments should be addressed to Roger Hansen, Executive Officer, Iowa Real Estate Commission, 1920 SE Hulsizer, Ankeny, Iowa 50021, or faxed to (515)281-7411. E-mail may be sent to roger.hansen@iowa.gov.

This amendment is intended to implement Iowa Code sections 543B.9 and 543B.18 and chapter 558A.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is proposed.

Amend subrule **14.1(6)**, Residential Property Seller Disclosure Statement, by renumbering numbered items "**16**" to "**19**" as "**17**" to "**20**" and adopting new numbered item "**16**" as follows:

16. Covenants: Is the property subject Yes [] No []
to restrictive covenants?

If yes, attach a copy or state where a true, current copy of the covenants can be obtained: _____.

NOTICE—USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

September 1, 2004 — September 30, 2004	6.50%
October 1, 2004 — October 31, 2004	6.25%
November 1, 2004 — November 30, 2004	6.25%
December 1, 2004 — December 31, 2004	6.00%
January 1, 2005 — January 31, 2005	6.25%
February 1, 2005 — February 28, 2005	6.25%
March 1, 2005 — March 31, 2005	6.25%
April 1, 2005 — April 30, 2005	6.25%
May 1, 2005 — May 31, 2005	6.50%
June 1, 2005 — June 30, 2005	6.25%
July 1, 2005 — July 31, 2005	6.25%
August 1, 2005 — August 31, 2005	6.00%
September 1, 2005 — September 30, 2005	6.25%

ARC 4463B

NATURAL RESOURCE
COMMISSION[571]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 40, "Boating Speed and Distance Zoning," Iowa Administrative Code.

The Department has been petitioned by the Decatur County Board of Supervisors to draft a rule which will allow water skiing within a designated area at the lower end of Little River Lake in Decatur County. The Decatur County Conservation Board will be responsible for placement of buoy markers to designate the zoned area. Also, the United States Department of the Interior, Fish and Wildlife Service, has petitioned the Department to draft a rule which would establish a "no-wake" zone in a backwater area known as Johnson Slough located on the Mississippi River, navigation pool ten in Clayton County. This request is being made in an effort to reduce the negative impacts of large vessels operated at higher speeds, the resulting shoreline erosion and excessive noise levels, and to protect the integrity of Effigy Mounds National Monument. The federal government owns all lands surrounding Johnson Slough.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 2005, as **ARC 4236B**. A public hearing was held on June 28, 2005, and no comments were received.

There are no changes from the Notice of Intended Action.

Pursuant to Iowa Code section 17A.5(2)"b"(2), this amendment shall become effective upon filing on August 11, 2005. The Commission finds that this amendment provides a benefit to the public by having in place these zone designations for Little River Lake and Johnson Slough prior to the Labor Day holiday weekend.

This amendment is intended to implement Iowa Code section 456A.24.

This amendment became effective August 11, 2005.

The following amendment is adopted.

Amend 571—Chapter 40 by adopting the following new rules:

571—40.51(462A) Little River Lake, Decatur County. Motorboats of outboard or inboard-outdrive type shall be permitted on Little River Lake. Vessels operating within a designated area beginning at the dam and extending north approximately to the mouth of "Bait Shop Bay" may operate at speeds greater than no-wake. The Decatur County conservation board shall designate the speed zone with marker buoys approved by the natural resource commission.

571—40.52(462A) Zoning of the Mississippi River, Johnson Slough, Clayton County. All vessels shall be operated at a no-wake speed within the area of river mile markers 627 and 629.8, in a backwater known as Johnson Slough and designated by marker buoys approved by the natural resource commission.

[Filed Emergency After Notice 8/11/05, effective 8/11/05]

[Published 8/31/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/05.

ARC 4467B

NATURAL RESOURCE
COMMISSION[571]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 91, "Waterfowl and Coot Hunting," Iowa Administrative Code.

Chapter 91 gives the regulations for hunting waterfowl and coot and includes season dates, bag limits, possession limits, shooting hours, areas open or closed to hunting, and means and methods of taking.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 30, 2005, as **ARC 4091B**. A public hearing was held on April 19, 2005. The following changes were made from the Notice: The dates of the youth waterfowl season were amended; the special pintail season was dropped (pintails may now be hunted with all other ducks); and the Canada goose season was split into three segments instead of two.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendments should be waived and these amendments should be made effective upon filing on August 11, 2005, as they confer a benefit to the public.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

These amendments became effective August 11, 2005.

The following amendments are adopted.

ITEM 1. Rescind rule 571—91.1(481A) and adopt the following new rule in lieu thereof:

571—91.1(481A) Duck hunting.

91.1(1) Zone boundaries. The north duck hunting zone is that part of Iowa north of a line beginning on the Nebraska-Iowa border at State Highway 175, east to State Highway 37, southeast to U.S. Highway 59, south to I-80 and along I-80 to the Iowa-Illinois border. The south duck hunting zone is the remainder of the state.

91.1(2) Season dates - north zone. For canvasbacks: October 22 through November 20. For all other species: September 17 through September 21 and October 15 through December 8.

91.1(3) Season dates - south zone. For canvasbacks: October 29 through November 27. For all other species: September 24 through September 28 and October 22 through December 15.

91.1(4) Bag limit. The daily bag limit of ducks is 6, and may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 2 wood ducks, 1 pintail, 2 scaup, 3 mottled ducks, 1 canvasback, and 2 redheads. The daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser.

91.1(5) Possession limit. Possession limit is twice the daily bag limit.

91.1(6) Shooting hours. Shooting hours are one-half hour before sunrise to sunset each day.

ITEM 2. Rescind rule 571—91.3(481A) and adopt the following new rule in lieu thereof:

571—91.3(481A) Goose hunting.

NATURAL RESOURCE COMMISSION[571](cont'd)

91.3(1) Zone boundaries. The north goose hunting zone is that part of Iowa north of U.S. Highway 20. The south goose hunting zone is the remainder of the state.

91.3(2) Season dates - north zone. Canada geese and brant: October 1 through October 9, October 15 through December 4, and December 24 through January 2, 2006. White-fronted geese: October 1 through December 11. Light geese (white and blue-phase snow geese and Ross' geese): October 1 through January 15, 2006.

91.3(3) Season dates - south zone. Canada geese and brant: October 1 through October 9, October 22 through December 4, and December 24 through January 9, 2006. White-fronted geese: October 1 through December 11. Light geese (white and blue-phase snow geese and Ross' geese): October 1 through January 15, 2006.

91.3(4) Bag limit. Daily bag limit is 2 Canada geese, 2 white-fronted geese, 2 brant, and 20 snow geese.

91.3(5) Possession limit. The possession limit is twice the daily bag limit for Canada geese, brant and white-fronted geese. There is no possession limit for light geese.

91.3(6) Shooting hours. Shooting hours are one-half hour before sunrise until sunset each day.

91.3(7) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January 16, 2006, through April 15, 2006.

a. Zone boundaries. Statewide.

b. Shooting hours. One-half hour before sunrise to one half-hour after sunset.

c. Bag limit. Bag limit is 20 light geese.

d. Possession limit. No possession limit.

e. Other regulations. The U.S. Fish and Wildlife Service may develop special regulations concerning the hunting of light geese during the conservation order season.

91.3(8) Early Canada goose season.

a. Zone boundary. Statewide.

b. Season dates. September 10 through September 11.

c. Bag limit. Daily bag limit is 2 Canada geese, except in the Cedar Rapids/Iowa City and Des Moines goose hunting zones.

d. Possession limit. Twice the daily bag limit.

91.3(9) Cedar Rapids/Iowa City goose hunting zone.

a. Season dates. September 1 through September 15.

b. Bag limit. Daily bag limit is 3 Canada geese.

c. Possession limit. Twice the daily bag limit.

d. Zone boundary. The Cedar Rapids/Iowa City goose hunting zone includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence

north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

91.3(10) Des Moines goose hunting zone.

a. Season dates. September 1 through September 15.

b. Bag limit. Daily bag limit is 3 Canada geese.

c. Possession limit. Twice the daily bag limit.

d. Zone boundary. The Des Moines goose hunting zone includes those portions of Polk, Warren, Madison and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; thence south along County Road R38 to Northwest 142nd Avenue; thence east along Northwest 142nd Avenue to Northeast 126th Avenue; thence east along Northeast 126th Avenue to Northeast 46th Street; thence south along Northeast 46th Street to Highway 931; thence east along Highway 931 to Northeast 80th Street; thence south along Northeast 80th Street to Southeast 6th Avenue; thence west along Southeast 6th Avenue to Highway 65; thence south and west along Highway 65 to Highway 69 in Warren County; thence south along Highway 69 to County Road G24; thence west along County Road G24 to Highway 28; thence southwest along Highway 28 to 43rd Avenue; thence north along 43rd Avenue to Ford Street; thence west along Ford Street to Filmore Street; thence west along Filmore Street to 10th Avenue; thence south along 10th Avenue to 155th Street in Madison County; thence west along 155th Street to Cumming Road; thence north along Cumming Road to Badger Creek Avenue; thence north along Badger Creek Avenue to County Road F90 in Dallas County; thence east along County Road F90 to County Road R22; thence north along County Road R22 to Highway 44; thence east along Highway 44 to County Road R30; thence north along County Road R30 to County Road F31; thence east along County Road F31 to Highway 17; thence north along Highway 17 to Highway 415 in Polk County; thence east along Highway 415 to Northwest 158th Avenue; thence east along Northwest 158th Avenue to the point of beginning.

ITEM 3. Amend subrule **91.4(2)**, paragraphs "e," "f," "h" and "i," as follows:

e. Area five. On any federal or state-owned lands or waters of the Rathbun Reservoir Project west of State Highway 142 in Appanoose, Lucas, Monroe, and Wayne Counties, within the area bounded by the following roads: Beginning at the junction of Lucas County Road S56 and 400th Street; thence west on 400th Street to its intersection with 291st Avenue; thence north on 291st Avenue to its intersection with 410th Street; thence west on 410th Street to its intersection with 280th Avenue; thence north on 280th Avenue to its intersection with 430th Street; thence east on 430th Street to its intersection with 290th Trail; thence south and east on 290th Trail to its intersection with Lucas County Road S56; thence south on Lucas County Road S56 to the point of beginning, including all federal, state, and county roads through or immediately adjacent thereto.

f. ~~Area six. On Brown's Slough and the Colyn Area in Lucas County.~~

h. Area eight. A portion of Adams County bounded as follows: Beginning at the intersection of State Highway 148

NATURAL RESOURCE COMMISSION[571](cont'd)

and Adams County Road N53 in ~~Corning~~ N28; thence east along Adams County Road N28 (including the right-of-way) to Adams County Road N53; thence east and north along Adams County Road N53 (including the right-of-way) approximately ~~9.5~~ 4.5 miles to Adams County Road H24 (including the right-of-way); thence west along Adams County Road H24 (including the right-of-way) about ~~6~~ 8 miles to Hickory Avenue; thence south along Hickory Avenue (including the right-of-way) about ~~6~~ 2.5 miles to Adams County Road H34 N28; thence east along Adams County Road H34 N28 (including the right-of-way) to State Highway 148; thence north along State Highway 148 about three-fourths mile to the point of beginning.

1. Area twelve. Portions of Polk, Warren, Jasper, and Marion Counties bounded as follows: Beginning at the junction of County Road G40 and Iowa Highway 14 in Marion County; thence north along Highway 14 (including the right-of-way) to Iowa Highway 163 in Jasper County; thence north and west along Highway 163 (including the right-of-way) to State Highway 316 County Road F70; thence west along County Road F70 (including the right-of-way) to Highway 316; thence south and east along Highway 316 (including the right-of-way) to Iowa Highway 5; thence south and east along Highway 5 (including the right-of-way) to County Road G40 in Marion County; thence east along County Road G40 (including the right-of-way) to the point of beginning.

ITEM 4. Amend rule 571—91.6(481A) as follows:

571—91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on ~~October 2 and 3, 2004~~ October 8 and 9, 2005, in the north duck hunting zone and ~~October 9 and 10, 2004~~ October 8 and 9, 2005, in the south duck hunting zone. Youth hunters must be 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in ~~subrule 91.1(1) rule 91.1(481A)~~. All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

[Filed Emergency After Notice 8/11/05, effective 8/11/05]
[Published 8/31/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/05.

ARC 4468B

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 102, "Falconry Regulations for Hunting Game," Iowa Administrative Code.

The amendment changes the dates during which geese may be hunted by means of falconry. New options just announced by the U.S. Fish and Wildlife Service allowed the Department to split the regular Canada goose season into three segments to benefit Iowa hunters. This amendment confers the same benefit on falconers. There is not sufficient time to complete the entire regular rule-making process before the hunting seasons open.

In compliance with Iowa Code section 17A.4(2), the Department finds that notice and public participation are impracticable because of the immediate need to establish the hunting season dates.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing with the Administrative Rules Coordinator on August 11, 2005, as it confers a benefit to the public.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

This amendment became effective August 11, 2005.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code § 17A.4(3) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515) 281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendment is adopted.

Amend subrule 102.2(2) as follows:

102.2(2) Geese. The season for taking geese by means of falconry may vary among goose hunting zones. Falconry seasons for ~~geese~~ white-fronted geese and light geese (white and blue-phase snow geese and Ross' geese) shall begin each year on the first day of the conventional (gun) goose hunting season for these geese in each zone, as described in rule 571—91.3(481A) and continue in each zone for 107 consecutive days. Falconry seasons for Canada geese and brant shall be open concurrently with the conventional (gun) hunting season for these geese as well as any days between the end of the second segment of the season for Canada geese and brant and the start of the third segment of the season for Canada geese and brant.

[Filed Emergency 8/11/05, effective 8/11/05]
[Published 8/31/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/05.

ARC 4469B**EDUCATION DEPARTMENT[281]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education amends Chapter 11, "Unsafe School Choice Option," Iowa Administrative Code.

These rules are a federal requirement. A recent federal audit disclosed some confusion among schools as to data the Department collects on "weapons" violations. The state gun-free school law uses the same definition of "weapon" as the federal gun-free school law. However, the Department collects data on violations of the broader definition of weapons in Iowa Code section 702.7. By deleting the reference to the state gun-free school law, the confusion is removed.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 13, 2005, as **ARC 4098B**. A public hearing was held on May 11, 2005. No one attended the public hearing and no written, electronic or oral comments were received. This amendment is identical to that published under Notice.

This amendment is intended to implement the federal No Child Left Behind Act of 2001, Section 9532 (Public Law 107-110) and Iowa Code section 280.21B.

This amendment will become effective October 5, 2005. The following amendment is adopted.

Amend subrule 11.3(1) as follows:

11.3(1) A persistently dangerous school is one that meets the following criteria for three consecutive school years:

a. The school has violence-related, long-term suspensions or expulsions for more than 1 percent of the student population. Long-term suspensions or expulsions are more than ten days in length and require the action of the local school board. For purposes of this subrule, a violence-related, long-term suspension or expulsion occurs as a result of physical injury or the threat of physical injury to a student while the student is in the school building or on the grounds of the attendance center during the hours of the regular school day or while the student is in attendance at school-sponsored activities that occur during the hours before or after the regular school day under one of the following:

- (1) A forcible felony as defined in rule 281—11.2(PL107-110);
- (2) Offenses, excluding simple misdemeanors, involving physical assault under Iowa Code chapter 708;
- (3) Offenses, excluding simple misdemeanors, involving sexual assault under Iowa Code chapter 709;
- (4) Extortion under Iowa Code section 711.4;
- (5) Use of incendiary or explosive devices such as bombs under Iowa Code section 712.5;
- (6) Criminal gang activity under Iowa Code ~~section chapter~~ 723A;
- (7) Carrying or using a weapon under Iowa Code sections 724.3 and 724.4.

b. The school has two or more students expelled for violating the federal ~~or state~~ gun-free school laws.

c. The school has 1 percent of the enrolled student population or five students, whichever is greater, who exercised

the individual student option defined in rule 281—11.4(PL107-110).

[Filed 8/11/05, effective 10/5/05]

[Published 8/31/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/05.

ARC 4480B**ENGINEERING AND LAND
SURVEYING EXAMINING
BOARD[193C]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 542B.6, the Engineering and Land Surveying Examining Board amends Chapter 6, "Seal and Certificate of Responsibility," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 16, 2005, as **ARC 3988B**. These amendments are identical to the amendments published under Notice of Intended Action.

These amendments are intended to clarify the requirements for the seal and certification block used to identify all engineering and land surveying documents issued by a licensee for use in Iowa.

These amendments were adopted by the Board on June 30, 2005.

These amendments shall become effective October 5, 2005.

These amendments are intended to implement Iowa Code sections 542B.13, 542B.15, 542B.20 and 542B.30.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [6.1(2), 6.1(4)] is being omitted. These amendments are identical to those published under Notice as **ARC 3988B**, IAB 2/16/05.

[Filed 8/12/05, effective 10/5/05]

[Published 8/31/05]

[For replacement pages for IAC, see IAC Supplement 8/31/05.]

ARC 4479B**HUMAN SERVICES
DEPARTMENT[441]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 239B.4(4), the Department of Human Services amends Chapter 7, "Appeals and Hearings," Chapter 9, "Public Records and Fair Information Practices," Chapter 41, "Granting Assistance," Chapter 43, "Alternate Payees," Chapter 45, "Payment," Chapter 60, "Refugee Cash Assistance," and Chapter 93, "PROMISE JOBS Program," Iowa Administrative Code.

HUMAN SERVICES DEPARTMENT[441](cont'd)

These amendments change requirements for the Family Investment Program (FIP) and the PROMISE JOBS (Promoting Independence and Self-Sufficiency through Employment Job Opportunities and Basic Skills) program by:

- Removing an exemption from PROMISE JOBS participation for a child on FIP aged 16 or older who has left school, been referred to PROMISE JOBS, and signed a family investment agreement that includes enrollment and attendance in school. Currently, once the child is enrolled in school, the child once again becomes exempt from family investment agreement requirements. Keeping a child who has previously dropped out of school in the PROMISE JOBS program will allow PROMISE JOBS staff to provide services to the child and monitor the child's school attendance. The child will be subject to a limited benefit plan if the child abandons the family investment agreement by dropping out of school again.

- Limiting the effect of a limited benefit plan chosen by a needy relative who assumes the role of parent to cancellation of FIP for the needs of the relative only, instead of the whole eligible group. A needy relative who chooses a limited benefit plan for the first time can immediately reapply and receive FIP for the needs of the children only, without taking any action to resolve the limited benefit plan. The same policy applies to a subsequent limited benefit plan after the six-month minimum period of ineligibility expires. With the change, the relative can continue to receive FIP for the needs of the children without reapplying for FIP.

The amendments also remove little-used and ineffective Family Investment Program provisions, including:

- A requirement to make a referral for services when a minor parent is denied FIP because the minor parent does not live with a parent or legal guardian. As mandated reporters of child abuse, Department income maintenance workers will continue to make child protective referrals when they have reason to believe a child is endangered. They will also continue to make referrals to the Department service unit or to local community agencies when participants appear to need other services.

- Provisions for the Department to issue a FIP grant in the form of vendor payments instead of cash, to appoint a protective payee for a FIP participant, or to petition the probate court to appoint a conservator for a FIP participant. These provisions are impracticable because it is extremely difficult to locate agencies or individuals willing and able to act as conservators or payees and to provide appropriate monitoring of payees. Families may voluntarily request that their benefits be paid to another payee of their choice. When a FIP participant has difficulties with money management, income maintenance workers can make referrals to the Family Development and Self-Sufficiency (FaDSS) program and to local community agencies that provide assistance with money management.

These amendments also correct references and update rules to reflect current policy and procedures.

Notice of Intended Action for these amendments was published in the Iowa Administrative Bulletin on June 8, 2005, as **ARC 4225B**. The Department received no comments on the Notice of Intended Action.

The Department has made the following technical changes to the amendments published in the Notice of Intended Action:

- Added two new amendments to remove references to a person who contests the assignment or change of a protective payee and a person who has been notified that a protective or vendor payment will be established from the defini-

tion of "aggrieved person" in rule 441—7.1(17A). Since the Department will no longer be assigning protective payees or requiring vendor payments, there is no need for appeal rights on these issues.

- Added a third new amendment to remove a reference to protective payees appointed by the Department in subrule 9.15(3), paragraph "a," which addresses the authority of another person to exercise the rights of a subject of Department records in relation to accessing or releasing those records.

- Amended noticed language in paragraphs 93.111(3)"b" and "c" to substitute the phrase "participate in educational activities to obtain a high school diploma or the equivalent" for the phrase "use enrollment or continued attendance in high school completion or the GED program" in the description of the required family investment agreement activities for teenagers who have not finished high school. This change clarifies that PROMISE JOBS staff have the flexibility to identify what educational program is appropriate for the participant.

These amendments do not provide for waivers in specified situations. Most of the changes are technical or are beneficial to participants. Existing rules require PROMISE JOBS to consider any barriers or problems a person may have with participation when negotiating the family investment agreement activities and level of participation. Individuals who believe themselves disadvantaged by these rules may request a waiver under the Department's general rule on exceptions at 441—1.8(17A,217).

The Council on Human Services adopted these amendments on August 10, 2005.

These amendments are intended to implement Iowa Code chapter 239B.

These amendments shall become effective on November 1, 2005.

The following amendments are adopted.

ITEM 1. Amend rule **441—7.1(17A)**, definition of "aggrieved person," numbered paragraphs "1" and "4," as follows:

1. For financial assistance (including the family investment program, refugee cash assistance, child care assistance, diversion, emergency assistance, family or community self-sufficiency grants, family investment program hardship exemptions, and state supplementary assistance dependent person, in-home health related care, and residential care facility benefits), a person:

- Whose request to be given an application was denied.
- Whose application for assistance has been denied or has not been acted on in a timely manner.
- Who contests the effective date of assistance.
- Who contests the amount of benefits granted.
- Who has been notified that there will be a suspension, reduction, or cancellation of assistance.

- ~~Who contests the assignment or change of a protective payee.~~

- Who has been notified that an overpayment of benefits has been established and repayment is requested.

4. For social services, including, but not limited to, adoption, foster care, rehabilitative treatment and supportive services, a person (see numbered paragraph "7" for providers):

- Whose request to be given an application was denied.
- Whose application for services or payment for adoption subsidy or foster care has been denied or has not been acted on in a timely manner.

HUMAN SERVICES DEPARTMENT[441](cont'd)

- For whom it is determined that the person must participate in a service program.
- Whose social work case manager failed to make a referral to the review organization for the rehabilitative treatment services requested or who is dissatisfied with the necessity, amount, duration, or scope of services as authorized by the review organization. Providers and referral workers who are dissatisfied with the authorized amount, duration, or scope of rehabilitative treatment services shall not be considered aggrieved persons.
- Whose claim for payment of services has been denied.
- ~~Who has been notified that a protective or vendor payment will be established.~~
- Who has been notified that there will be a suspension, reduction, or cancellation of services.
- Who has been notified that an overpayment of benefits has been established and repayment is requested.
- Who applies for an adoption subsidy after the adoption has been finalized.
- Who alleges that the adoptive placement of a child has been denied or delayed when an adoptive family is available outside the jurisdiction with responsibility for handling the child's case.
- Who has not been referred to community care as provided in rule 441—186.2(234).
- Who has been referred to community care as provided in rule 441—186.2(234) and has exhausted the community care provider's dispute resolution process.

ITEM 2. Amend subrule **9.15(3)**, paragraph “a,” introductory paragraph, as follows:

a. Scope of authority. Legal and personal representatives may act only within the scope of their authority. For protected health information, the designation must reflect the subject's ability to make health care decisions and receive protected health information. For example, court-appointed conservators ~~and protective payees appointed by the department~~ shall have access to and authority to release only the following information:

ITEM 3. Amend rule 441—41.22(239B) as follows:

Amend subrule **41.22(16)**, paragraph “c,” as follows:

c. The minor parent is in a foster care ~~independent supervised apartment~~ living arrangement.

Rescind and reserve subrule **41.22(18)**, paragraph “b,” subparagraph (3).

Amend subrule **41.22(19)**, paragraph “a,” subparagraph (5), as follows:

(5) Court, criminal, child protective services, social services or other records which verify that the parents or legal guardian of the minor parent is deceased, missing or living in another state, or that the minor parent is in a foster care ~~independent supervised apartment~~ living arrangement, the job corps solo parent program, maternity home or other licensed adult-supervised supportive living arrangement.

ITEM 4. Amend rule 441—41.24(239B) as follows:

Amend subrule **41.24(2)** as follows:

Amend paragraph “d” as follows:

d. A person found eligible for supplemental security income (SSI) benefits based on disability or blindness. ~~The exemption based on disability is amended effective April 1, 2002. A person exempt from PROMISE JOBS participation before July 1, 2002, due to a disability according to the Americans with Disabilities Act and determined unable to participate in PROMISE JOBS shall be referred to PROMISE JOBS, unless eligible for SSI benefits due to a disability or blindness. The referral shall occur at the time of the next~~

~~semiannual or annual review or exempt status redetermination as described at subrule 41.24(5), but no later than June 30, 2003.~~

Amend paragraph “e,” introductory paragraph, as follows:

e. A person who is aged 16 to 19, and is not a parent, who attends an elementary, secondary or equivalent level of vocational or technical school full-time. *For persons who lose exempt status for not attending school and who are referred to PROMISE JOBS on or after November 1, 2005, once the person has signed a family investment agreement, the person shall remain referred to PROMISE JOBS and subject to the terms of the agreement.*

Amend subrule 41.24(8) as follows:

Amend the introductory paragraph as follows:

41.24(8) The limited benefit plan (LBP). When a participant responsible for signing and meeting the terms of a family investment agreement as described at rule 441—93.109(239B) chooses not to sign or fulfill the terms of the agreement, the FIP assistance unit or the individual participant shall enter into a limited benefit plan. A limited benefit plan is considered imposed as of the date that a timely and adequate notice is issued to the participant as defined at 441—subrule 7.7(1). Once the limited benefit plan is imposed, FIP eligibility no longer exists as of the first of the month after the month in which timely and adequate notice is given to the participant. Upon the issuance of the notice to impose a limited benefit plan, the person who chose the limited benefit plan can reconsider and end the limited benefit plan, but only as described at ~~paragraphs~~ paragraph 41.24(8)“d.” and “f.” A participant who is exempt from PROMISE JOBS is not subject to the limited benefit plan.

Amend paragraph “b” as follows:

Amend subparagraphs (1) and (2) as follows:

(1) When the participant responsible for the family investment agreement is a parent ~~or needy specified relative~~, the limited benefit plan shall apply to the entire FIP eligible group as defined at subrule 41.28(1).

(2) When the participant choosing a limited benefit plan is a needy specified relative ~~who acts as payee when the parent is in the home but is unable to act as payee, or is a dependent child's stepparent who is in the FIP eligible group because of incapacity~~, the limited benefit plan shall apply only to the individual participant choosing the plan. *EXCEPTION: The limited benefit plan shall apply to the entire FIP eligible group as defined at subrule 41.28(1) when a needy specified relative who assumes the role of parent was responsible for the family investment agreement and chose a limited benefit plan effective October 1, 2005, or earlier.*

Amend subparagraph (3) as follows:

Amend numbered paragraph “1” as follows:

1. When the adult parent ~~or needy specified relative~~ chooses the limited benefit plan, the requirements of the limited benefit plan shall apply to the entire eligible group, even though the minor parent has not chosen the limited benefit plan. However, the minor parent may reapply for FIP benefits as a minor parent living with self-supporting parents or a minor parent living independently and continue in the family investment agreement process.

Adopt ~~new~~ numbered paragraph “4” as follows:

4. When the needy specified relative chooses the limited benefit plan, the requirements of the limited benefit plan shall apply as described at subparagraph 41.24(8)“b”(2).

ITEM 5. Amend subrule **41.27(7)**, paragraphs “v” and “w,” as follows:

HUMAN SERVICES DEPARTMENT[441](cont'd)

v. Compensation in lieu of wages received by a child ~~under the Job Training Partnership Act of 1982 funded through an employment and training program of the U.S. Department of Labor.~~

w. Any amount for training expenses included in a payment issued ~~under the Job Training Partnership Act of 1982 funded through an employment and training program of the U.S. Department of Labor.~~

ITEM 6. Rescind and reserve subrule **43.21(2)**.

ITEM 7. Rescind and reserve rule **441—43.22(239B)**.

ITEM 8. Rescind and reserve rule **441—43.23(239B)**.

ITEM 9. Amend rule 441—45.21(239B) as follows:

441—45.21(239B) Address. Assistance warrants shall be mailed to the recipient's current address or, upon request, to a post office box, bank, or to any other address for which the recipient has good reason for the request. ~~Assistance If the recipient has a court-appointed conservator or guardian assistance warrants shall be mailed to the protective payee, conservator, or guardian (if applicable) in cases involving said persons.~~ Assistance may also be paid by direct deposit to the recipient's own account in a financial institution or by means of electronic benefits transfer.

ITEM 10. Amend subrule **60.8(1)**, paragraphs "c" and "d," as follows:

c. A refugee who is caring for another member of the household who has a physical or mental impairment which requires, as determined by a physician or licensed or certified psychologist and verified by the department, care in the home on a substantially continuous basis, and no other appropriate member of the household is available. ~~The condition shall be established as specified in 441—paragraph 41.24(2)“d.”~~

d. A woman who is pregnant if it has been medically verified that the child is expected to be born in the month in which registration would otherwise be required or within the next six months. ~~Verification of the pregnancy and estimated date of birth shall be obtained in the same manner as specified in 441—paragraph 41.24(2)“d.”~~

ITEM 11. Amend subrule 93.111(3) as follows:

Amend the introductory paragraph as follows:

93.111(3) Requirements for ~~parents~~ persons aged 19 and or younger. Assessment and development of FIA options shall follow these guidelines for ~~parents~~ persons under the age of 20.

Amend paragraphs "b" and "c" as follows:

b. ~~Parents~~ Persons aged 16 or 17 who have not completed high school shall be expected to ~~use enrollment or continued attendance in~~ participate in educational activities to obtain a high school completion diploma or the GED program equivalent as a first step in the FIA. ~~Parents~~ Persons deemed incapable of participating in these activities by the local education agency shall choose other FIA options.

c. ~~Parents who are~~ Persons aged 18 or 19 who have not completed high school shall be expected to ~~use enrollment or continued attendance in~~ participate in educational activities to obtain a high school completion diploma or the GED program equivalent as a first step in the FIA if assessment indicates the ~~parents are~~ person is capable of completing regular high school, ~~alternate high school,~~ or GED an equivalent program. ~~Parents~~ Persons deemed incapable of participating in these activities shall choose other FIA options.

ITEM 12. Amend subrule 93.114(7) as follows:

93.114(7) Testing ~~prior to~~ before plan approval. ~~Prior to~~ Before plan approval for a client requesting GED, adult basic education, or English as a second language training, testing shall be conducted, when available, to determine a projected length of time for which the plan shall be approved. In regard to GED testing, a transportation allowance as described at subrule ~~93.10(6)~~ 93.110(6) and child care expenses shall be allowed if required in order for the client to participate.

[Filed 8/12/05, effective 11/1/05]

[Published 8/31/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/05.

ARC 4474B

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(17), the Iowa Finance Authority hereby amends Chapter 3, “Multifamily Housing,” Iowa Administrative Code.

The amendments revise the debt service coverage requirement, remove maximum loan amounts and add a minimum rehabilitation requirement for certain loans.

These rules do not contain a waiver provision, as the Authority does not intend to grant waivers under this program, other than as may be allowed pursuant to Chapter 18 of the Authority's rules.

Notice of Intended Action was published in the May 25, 2005, Iowa Administrative Bulletin as **ARC 4189B**. No public comment was received on these amendments. The adopted amendments are identical to those published under Notice of Intended Action.

The Authority adopted these amendments on August 3, 2005.

These amendments will become effective on October 5, 2005.

These amendments are intended to implement Iowa Code sections 16.5(17) and 16.18(1).

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [3.5(1)“d,” “e,” and “i,” 3.6 to 3.8] is being omitted. These amendments are identical to those published under Notice as **ARC 4189B**, IAB 5/25/05.

[Filed 8/12/05, effective 10/5/05]

[Published 8/31/05]

[For replacement pages for IAC, see IAC Supplement 8/31/05.]

ARC 4475B

IOWA FINANCE AUTHORITY[265]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 17A.3(1)“b” and 16.5(17), the Iowa Finance Authority hereby amends Chapter 12, “Low-Income Housing Tax Credits,”

IOWA FINANCE AUTHORITY[265](cont'd)

Iowa Administrative Code.

These amendments replace the current qualified allocation plan for the low-income housing tax credit program with the 2006 qualified allocation plan, which is incorporated by reference in rule 12.1(16).

The qualified allocation plan sets forth the purpose of the plan, the administrative information required for participation in the program, the threshold criteria, the selection criteria, the postreservation requirements, the appeal process, and the compliance monitoring component. The plan also establishes the fees for filing an application for low-income housing tax credits and for compliance monitoring. Copies of the qualified allocation plan are available upon request from the Authority and are available electronically on the Authority's Web site at <http://www.ifahome.com>. It is the Authority's intent to incorporate the 2006 qualified allocation plan by reference consistent with Iowa Code chapter 17A and 265—subrules 17.4(2) and 17.12(2).

The Authority does not intend to grant waivers under the provisions of any of these rules. The qualified allocation plan is subject to certain state and federal requirements that cannot be waived. (See Internal Revenue Code Section 42 and Iowa Code section 16.52.)

Consistent with Executive Order Number 9, the Authority has considered the regulatory principles identified in this order and finds that the amendments will serve an important public need in furthering the housing policy of the state to encourage the production and availability of affordable housing in Iowa.

Notice of Intended Action was published in the June 22, 2005, Iowa Administrative Bulletin as **ARC 4281B**. The Authority held a public hearing over the Iowa Communications Network on July 12, 2005, to receive public comments on the 2006 qualified allocation plan (2006 QAP). The Authority received written comments in addition to the oral comments received at the public hearing. No changes to the actual text of the amendments to the rules have been made, as the changes were made to the qualified allocation plan incorporated by reference.

The Authority received both oral and written public comments on the draft 2006 QAP. These public comments addressed various aspects of the 2006 QAP, including the developer/consultant cap; the service-enriched set-aside; the affordable assisted living set-aside; fees; other funding sources; land use restrictive covenants agreement; tax-exempt bond project requirements; underwriting standards; operating and replacement reserves; limits on developer and builder fees; debt service coverage ratio requirement; unit cost cap; site locations; zoning; market study requirements; capital needs assessment; selection and scoring criteria; appeals process; glossary definitions; and other general comments on the 2006 QAP.

The Authority revised the draft 2006 QAP based on the public comments received. Some revisions merely clarified sections of the 2006 QAP that may have been subject to misunderstanding, while other revisions were more substantive. The substantive changes included increasing the service-enriched set-aside to 25 percent, changes to zoning requirements and a correction in a point category.

The Authority adopted these amendments on August 3, 2005.

These amendments will become effective on October 5, 2005.

These amendments are intended to implement Iowa Code sections 16.4(3), 16.52, 17A.12, and 17A.16 and IRC Section 42.

The following amendments are adopted.

Amend rules 265—12.1(16) and 265—12.2(16) as follows:

265—12.1(16) Qualified allocation plan. The qualified allocation plan entitled Iowa Finance Authority Low-Income Housing Tax Credit Program 2005 2006 Qualified Allocation Plan effective ~~November 3, 2004~~ *October 5, 2005*, shall be the qualified allocation plan for the allocation of 2005 2006 low-income housing tax credits consistent with IRC Section 42 and the applicable Treasury regulations and Iowa Code section 16.52. The qualified allocation plan includes the plan, application, and the application instructions. The qualified allocation plan is incorporated by reference pursuant to Iowa Code section 17A.6 and 265—subrules 17.4(2) and 17.12(2).

265—12.2(16) Location of copies of the plan. The qualified allocation plan can be reviewed and copied in its entirety on the authority's Web site at <http://www.ifahome.com>. Copies of the qualified allocation plan, application, and all related attachments and exhibits shall be deposited with the administrative rules coordinator and at the state law library. The plan incorporates by reference IRC Section 42 and the regulations in effect as of ~~November 3, 2004~~ *October 5, 2005*. Additionally, the plan incorporates by reference Iowa Code section 16.52. These documents are available from the state law library, and information about these statutes, regulations and rules is on the authority's Web site. Copies are available upon request at no charge from the authority.

[Filed 8/12/05, effective 10/5/05]

[Published 8/31/05]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/05.

ARC 4446B

PHARMACY EXAMINERS BOARD[657]

Adopted and Filed

Pursuant to the authority of Iowa Code section 124.301, the Board of Pharmacy Examiners hereby amends Chapter 10, "Controlled Substances," Iowa Administrative Code.

The amendments establish requirements specifically related to the dispensing by a pharmacist, without a prescription, of pseudoephedrine-containing drug products classified pursuant to 2005 Iowa Acts, Senate File 169, as Schedule V controlled substances under the Iowa Controlled Substances Act.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the May 25, 2005, Iowa Administrative Bulletin as **ARC 4182B**. These amendments were simultaneously Adopted and Filed Emergency, also published in the May 25, 2005, Iowa Administrative Bulletin, as **ARC 4181B**. The adopted amendments differ from those published under Notice. Pursuant to comments received regarding the proposed amendments, new subrule 10.31(7), paragraph "a," subparagraph (3), is changed by adding, to the end of the last sentence, the language identifying who may request a hard-copy printout of

PHARMACY EXAMINERS BOARD[657](cont'd)

the electronic record. The term "precursor substances" in paragraph "b" of new subrule 10.31(7) is changed to read "pseudoephedrine products."

The amendments were approved during the July 12, 2005, meeting of the Board of Pharmacy Examiners.

These amendments will become effective on October 5, 2005, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

These amendments are intended to implement Iowa Code section 124.212 and 2005 Iowa Acts, Senate File 169, section 1.

The following amendments are adopted.

ITEM 1. Amend subrule 10.31(2) as follows:

10.31(2) Frequency and quantity. Dispensing at retail to the same purchaser in any 48-hour period shall be limited to no more than one of the following quantities of a Schedule V substance:

- a. 240 cc (8 ounces) of any controlled substance containing opium;
- b. 120 cc (4 ounces) of any other controlled substance, *except as provided in subrule 10.31(7)*;
- c. 48 dosage units of any controlled substance containing opium;
- d. 24 dosage units of any other controlled substance, *except as provided in subrule 10.31(7)*.

ITEM 2. Amend subrule 10.31(4) as follows:

10.31(4) Identification. The pharmacist shall require every purchaser under this rule not known by the pharmacist to ~~furnish suitable~~ *present a government-issued photo identification*, including proof of age when appropriate.

ITEM 3. Amend subrule 10.31(5) as follows:

10.31(5) Record. *A Except as provided in subrule 10.31(7), a bound record book for dispensing of Schedule V controlled substances pursuant to this rule shall be maintained by the pharmacist. The book shall contain the name and address of each purchaser, the name and quantity of controlled substance purchased, the date of each purchase, and the name or unique identification of the pharmacist who dispensed the substance to the purchaser.*

ITEM 4. Adopt the following **new** subrule 10.31(7):

10.31(7) Dispensing pseudoephedrine-containing products. Dispensing at retail to the same purchaser within any 30-day period shall be limited to products collectively containing no more than 7,500 mg of pseudoephedrine.

a. A dispensing record shall be created and maintained for the dispensing of pseudoephedrine products pursuant to this subrule. The record shall contain the name and address of each purchaser, the name and quantity of the product purchased, the date of each purchase, and the name or unique identification of the pharmacist who dispensed the product to the purchaser. The record may be maintained using one of the following options:

- (1) A hard-copy record.
- (2) A record in the pharmacy's electronic prescription dispensing record-keeping system.
- (3) A record in an electronic data collection system that captures each of the data elements required by this subrule. The electronic data collection system shall be capable of producing a hard-copy printout of the records upon request by the board or its representative or to such other persons or governmental agencies authorized by law to receive such information.

b. Dispensing of pseudoephedrine products pursuant to this subrule shall comply with other provisions of this rule for

the dispensing of Schedule V substances including who may dispense a substance and the age and identification of the purchaser.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/31/05.

ARC 4455B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences Examiners hereby adopts amendments to Chapter 60, "Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors for Cosmetology Arts and Sciences," Chapter 62, "Fees," and Chapter 64, "Continuing Education for Cosmetology Arts and Sciences," Iowa Administrative Code.

These amendments define licensure status as active or inactive, define the process for license reactivation and reinstatement, change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure, add the grounds for disciplinary action, and establish the fee for reactivation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 25, 2005, as **ARC 4190B**. A public hearing was held on June 14, 2005, from 1 to 2 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building.

The Board reviewed comments suggesting that the definition of "licensure by endorsement" in rule 645—60.1(157) state the period of licensure and duration of license; that the exception in subrule 60.8(2) should apply to all licenses, not just to initial licenses; and that the Board inadvertently omitted (1) the requirement for the law examination for individuals who have been inactive for more than five years and (2) the additional continuing education hour requirements for instructors that had been included in the previous rules.

In response to the comments, the Board made the following changes:

In rule 645—60.1(157), language was added to the definition of "licensure by endorsement" to state the period of licensure and duration of license. The definition now reads as follows:

"'Licensure by endorsement' means the issuance of an Iowa license to practice cosmetology to an applicant who is or has been licensed in another state for 12 months during the last 24 months."

Subrule 60.8(2) was modified to change the phrase "an initial license" to "a license." Subrule 60.8(2) now reads as follows:

"60.8(2) An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later."

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

New subparagraph (3) has been added to paragraph 60.17(3)“b” to include the requirement for the law examination in reactivation. Subparagraph (3) reads as follows:

“(3) Verification of passing the Iowa law (jurisprudence) examination with a score of 75 percent or greater within two years of application for reactivation.”

Subrule 60.17(4), which requires the additional continuing education hours for instructors, has been added. Subrule 60.17(4) reads as follows:

“**60.17(4)** Licensees who are instructors of cosmetology arts and sciences shall obtain an additional eight hours of continuing education in teaching methodology.”

These amendments were adopted by the Board of Cosmetology Arts and Sciences Examiners on August 3, 2005.

These amendments will become effective October 5, 2005.

These amendments are intended to implement Iowa Code chapters 21, 147, 157 and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 60, 62, 64] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 4190B**, IAB 5/25/05.

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ARC 4456B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences Examiners hereby adopts amendments to Chapter 64, “Continuing Education for Cosmetology Arts and Sciences,” and Chapter 65, “Discipline for Cosmetology Arts and Sciences Licensees, Instructors, Salons, and Schools,” Iowa Administrative Code.

These amendments increase the number of continuing education hours required, identify groups that can offer accepted continuing education credits, define continuing education requirements for certification services, clarify continuing education hour requirements, limit independent study continuing education hours allowed, and add new subrule 65.2(35) to provide the Board the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 25, 2005, as **ARC 4191B**. A public hearing was held on June 14, 2005, from 1 to 2 p.m. in the Fifth Floor Board Conference Room, Lucas State Office Building.

Public comments requested that other groups besides those listed in 64.3(2)“h” be allowed to provide continuing education programs, that more hours of on-line courses be allowed and that the total number of continuing education hours not be increased. In response to the comments, the Board added a statement to 64.3(2)“h” to clarify the Board's original intent that other individuals and groups may provide

continuing education programs if the individuals and groups offer the programs through one of the listed organizations.

Subrule 64.3(2), paragraph “h,” introductory paragraph, now reads as follows:

“h. Continuing education shall be obtained by attending programs that meet the criteria in subrule 64.3(1) and are approved or offered by the following organizations. Other individuals or groups may offer through one of the organizations listed in this paragraph continuing education programs that meet the criteria in rule 645—64.3(157).”

The Board discussed the comments regarding the number of on-line hours and total number of continuing education hours. The Board decided that its evaluation indicated that, in regard to both issues, existing rules reflect the appropriate levels.

These amendments were adopted by the Board of Cosmetology Arts and Sciences Examiners on August 3, 2005.

These amendments will become effective October 5, 2005.

These amendments are intended to implement Iowa Code chapters 21, 147, 157 and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [64.2(1), 64.3(2)“b,” “d,” “g” to “i,” 65.2(35)] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 4191B**, IAB 5/25/05.

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ARC 4453B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Examiners for the Licensing and Regulation of Hearing Aid Dispensers adopts amendments to Chapter 121, “Licensure of Hearing Aid Dispensers,” Chapter 122, “Continuing Education for Hearing Aid Dispensers,” and Chapter 125, “Fees,” Iowa Administrative Code.

These amendments define licensure status as active or inactive, define the process for license reactivation and reinstatement, change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure, add the grounds for disciplinary action, and establish the fee for reactivation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 25, 2005, as **ARC 4177B**. A public hearing was held on June 14, 2005, from 8 to 9 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. One comment was received noting the absence of a provision to allow a licensee who renews within six months of a new licensing cycle to wait to renew the license until the subsequent renewal period. The board added a provision to subrule 121.9(2) to allow a licensee who renews within six months of a new licensing cycle to wait to renew the license until the subsequent renewal period.

The new unnumbered paragraph reads as follows:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

"An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later."

The amendments were adopted by the Board of Hearing Aid Dispensers Examiners on August 1, 2005.

These amendments will become effective October 5, 2005.

These amendments are intended to implement Iowa Code chapters 21, 147, 154A and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 121, 122, 125] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 4177B**, IAB 5/25/05.

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ARC 4452B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Examiners for the Licensing and Regulation of Hearing Aid Dispensers adopts amendments to Chapter 121, "Licensure of Hearing Aid Dispensers," Chapter 122, "Continuing Education for Hearing Aid Dispensers," and Chapter 124, "Discipline for Hearing Aid Dispensers," Iowa Administrative Code.

The changes require submission of a supervisor report regarding completion of training for holders of a temporary permit, amend initial licensure language not to require that the examination needs to be taken within 12 months prior to application, clarify the requirements for licensure by endorsement, and adopt new subrule 124.2(36) that provides the Board the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 25, 2005, as **ARC 4178B**. A public hearing was held on June 14, 2005, from 8 to 9 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. These amendments are identical to those published under Notice.

These amendments were adopted by the Board of Hearing Aid Dispensers Examiners on August 1, 2005.

These amendments will become effective October 5, 2005.

These amendments are intended to implement Iowa Code chapters 21, 147, 154A and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [121.2(4)"d," 121.3, 121.3(1)"g," 121.4(5) to 121.4(9), 121.6(6), 122.3(2), 124.2(36)] is being

omitted. These amendments are identical to those published under Notice as **ARC 4178B**, IAB 5/25/05.

[Filed 8/5/05, effective 10/5/05]
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[For replacement pages for IAC, see IAC Supplement 8/31/05.]

ARC 4458B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Psychology Examiners adopts amendments to Chapter 240, "Licensure of Psychologists," Chapter 241, "Continuing Education for Psychologists," and Chapter 243, "Fees," Iowa Administrative Code.

These amendments define licensure status as active or inactive, define the process for license reactivation and reinstatement, change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure, add the grounds for disciplinary action, and establish the fee for reactivation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 2005, as **ARC 4201B**.

A public hearing was held on June 28, 2005, from 9 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. The Board received one comment which asked whether the exception in subrule 240.12(2) should apply to all licenses, not just to initial licenses. In response to the comment, the Board has added Item 4 in which subrule 240.12(2) has been modified to delete the word "initial."

Subrule 240.12(2) now reads as follows:

"**240.12(2)** An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later."

These amendments are intended to implement Iowa Code chapters 21, 147, 154B and 272C.

These amendments were adopted by the Board of Psychology Examiners on August 5, 2005.

These amendments will become effective October 5, 2005.

These amendments are intended to implement Iowa Code chapters 21, 147, 152A and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 240, 241, 243] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 4201B**, IAB 6/8/05.

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[For replacement pages for IAC, see IAC Supplement 8/31/05.]

ARC 4459B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Psychology Examiners adopts amendments to Chapter 240, "Licensure of Psychologists," Chapter 241, "Continuing Education for Psychologists," and Chapter 242, "Discipline for Psychologists," Iowa Administrative Code.

These amendments remove a payment mechanism; clarify the requirements for the health service provider in psychology; remove obsolete language regarding continuing education; and add new subrule 242.2(32) that provides the Board the ability to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 2005, as **ARC 4200B**.

A public hearing was held on June 28, 2005, from 9 to 10 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received; however, the Board removed the parenthetical statement in subrule 240.2(1), paragraph "c," relating to the test administration fee since the Board no longer handles that fee for the testing service.

The amendments were adopted by the Board of Psychology Examiners on August 5, 2005.

These amendments will become effective October 5, 2005.

These amendments are intended to implement Iowa Code chapters 21, 147, 154B and 272C.

The following amendments are adopted.

ITEM 1. Amend subrule **240.2(1)**, paragraph "c," as follows:

c. Each application shall be accompanied by the appropriate fees (~~exclusive of the test administration fee~~) payable by ~~check or money order~~ to the Board of Psychology Examiners. The fees are nonrefundable.

ITEM 2. Rescind subrule 240.7(1) and adopt in lieu thereof the following **new** subrule:

240.7(1) Requirements for the health service provider in psychology. The applicant shall:

a. Verify at least two years of clinical experience in a recognized health service setting or meet the standards of the National Register of Health Service Providers in Psychology. Two years of clinical experience means two years of supervised experience in health service in psychology, of which at least one year is in an organized health service training program as defined in subrule 240.7(2) and one year is postdoctoral.

b. Complete a board-approved application and submit supporting documentation. Application forms may be obtained from the board's Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office. All applications shall be sent to the Board of Psychology Examiners, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075. An applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

c. Submit with the application the health service provider fee payable to the Board of Psychology Examiners. The fee is nonrefundable.

d. Renew the certificate biennially at the same time as the psychology license renewal fees are due.

ITEM 3. Amend subrule 241.2(1) as follows:

241.2(1) The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 of even-numbered years and ending on June 30 of even-numbered years. Each biennium, each person who is licensed to practice as a licensee in this state shall be required to complete a minimum of 40 hours of continuing education approved by the board. ~~For the 2002 renewal cycle only, 50 hours of continuing education will be due by June 30, 2002. Continuing education credit earned from December 31, 2001, through June 30, 2002, may be used for either the 2002 renewal cycle or the following biennium. The licensee may use the earned continuing education credit hours only once. Credit may not be duplicated for both compliance periods. This applies for the renewal biennium of 2002 and for the following renewal biennium. Continuing education hours will return to 40 hours each biennium at the end of this prorated compliance period.~~

ITEM 4. Adopt **new** subrule 242.2(32) as follows:

242.2(32) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

[Filed 8/5/05, effective 10/5/05]

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ARC 4448B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Social Work Examiners adopts amendments to Chapter 280, "Licensure of Social Workers," Chapter 281, "Continuing Education for Social Workers," and Chapter 284, "Fees," Iowa Administrative Code.

These amendments define licensure status as active or inactive, define the process for license reactivation and reinstatement, change from pre- and post-continuing education audits prior to licensure to post-continuing education audits following licensure, add the grounds for disciplinary action, and establish the fee for reactivation.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 2005, as **ARC 4203B**. A public hearing was held on June 28, 2005, from 10 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. The Board received one comment, which asked whether the exception in subrule 280.9(2), paragraph "b," should apply to all licenses, not just initial licenses. In response to the comment, the Board modified subrule 280.9(2), paragraph "b," by deleting the word "initial."

Subrule 280.9(2), paragraph "b," now reads as follows:

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

“b. An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.”

These amendments were adopted by the Board of Social Work Examiners on August 8, 2005.

These amendments will become effective October 5, 2005.

These amendments are intended to implement Iowa Code chapters 21, 147, 154C and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 280, 281, 284] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 4203B**, IAB 6/8/05.

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ARC 4449B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Social Work Examiners adopts amendments to Chapter 280, “Licensure of Social Workers,” Chapter 281, “Continuing Education for Social Workers,” and Chapter 283, “Discipline for Social Workers,” Iowa Administrative Code.

The amendments add language to clarify what is required in applying for an initial license and for license renewal, change the term “self-study” to “independent study” and adopt new subrule 283.2(31) that provides the Board the abil-

ity to discipline a licensee for breach of an agreement or contract with the Impaired Practitioner Review Committee.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 8, 2005, as **ARC 4202B**. A public hearing was held on June 28, 2005, from 10 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building. No public comments were received. These amendments are identical to those published under Notice.

These amendments are intended to implement Iowa Code chapters 21, 147, 154C and 272C.

These amendments were adopted by the Board of Social Work Examiners on August 8, 2005.

These amendments will become effective October 5, 2005.

These amendments are intended to implement Iowa Code chapters 21, 147, 154C and 272C.

The following amendments are adopted.

ITEM 1. Renumber subrules **280.3(5)** through **280.3(10)** as **280.3(6)** through **280.3(11)** and adopt new subrule 280.3(5) as follows:

280.3(5) The applicant shall provide verification of license(s) from every state in which the applicant has been licensed as a social worker, sent directly from the state(s) to the Iowa board of social work examiners office.

ITEM 2. Amend subrule **281.3(2)**, paragraph “b,” as follows:

b. A maximum of 12 hours per biennium for *self-study independent study* courses.

ITEM 3. Adopt new subrule 283.2(31) as follows:

283.2(31) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

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